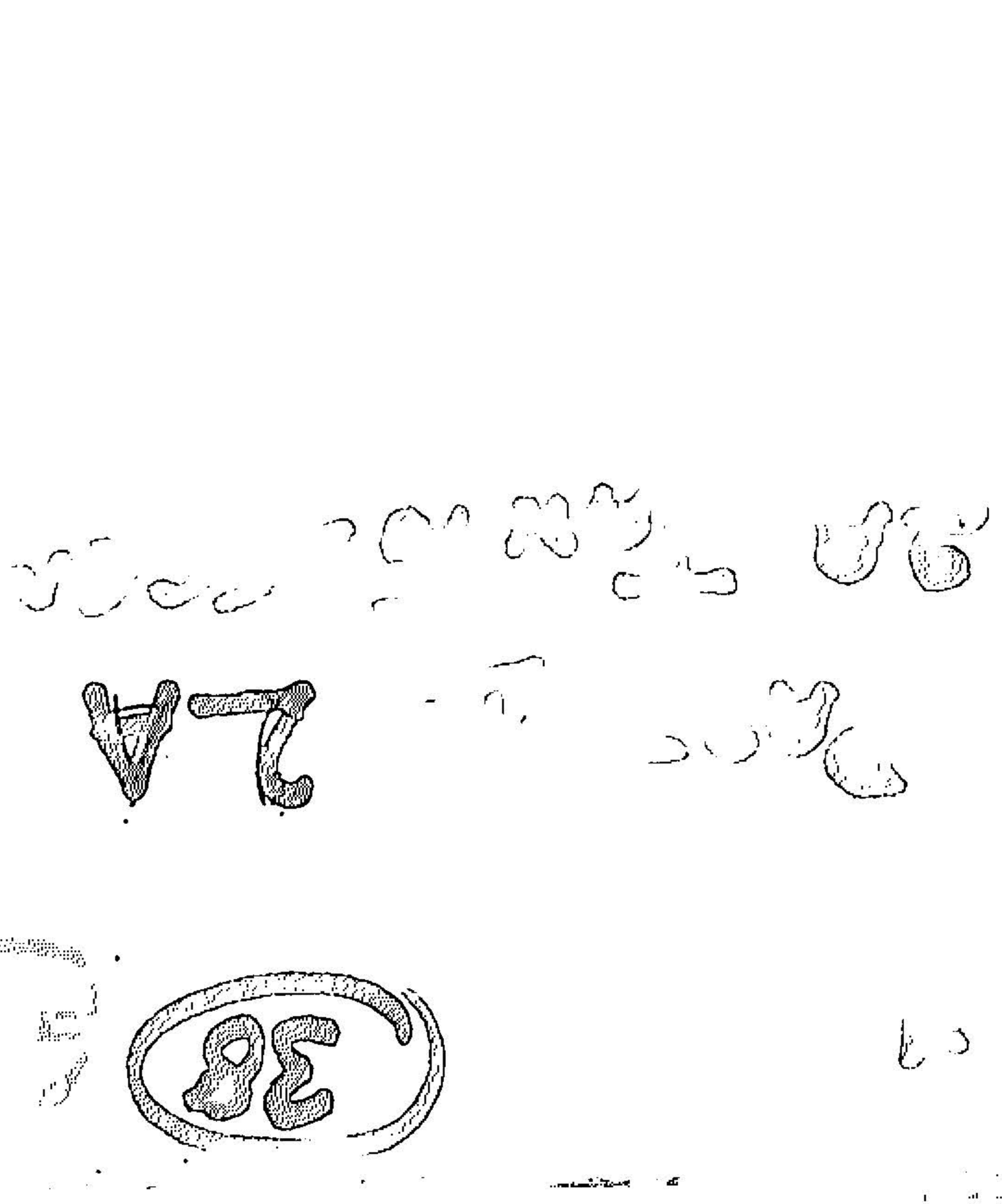

PART IV January to December

Section 2-A and Extraordinary

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. L:087—L.A., dated Bangalore-1, 23rd January 1961.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Village Defence Parties Bill, 1964**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE VILLAGE DEFENCE PARTIES BILL, 1964.

Bill to provide for the constitution of village defence parties for the maintenance of peace and order in the villages in the State of Mysore.

WHEREAS it is expedient to provide for the constitution of village defence parties, their powers and duties, the maintenance of peace and order in villages and for certain other matters hereinafter apearing ;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. **Short Title, extent and commencement.**—(1) This Act may be called the Mysore Village Defence Parties Act, 1961.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date and in such area as the Government may by notification specify and different dates may be specified for different areas.

2. **Definitions.**—In this Act, unless the context otherwise requires—

(*a*) "Government" means the State Government ;

(*b*) "Member of a Village Defence Party" means a person appointed under section 8;

(*c*) "notification" means a notification published in the official Gazette" ;

(*d*) "prescribed" means prescribed by rules made under the Act;

(*e*) "Superintendent" means, for an area for which a Commissioner of Police has been appointed, the Commissioner, and elsewhere the Superintendent of Police.

3. **Constitution of village defence parties.**—The Government may by notification direct any Superintendent to constitute for such villages within his jurisdiction as he may consider necessary volunteer bodies called Village Defence Parties, the members of which shall discharge

such functions and duties in relation to the deffence of villages, the protection of persons, the security of property and the preservation of public order in such villages as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

4. Superintendence of the Village Defence Parties to vest in Government.—The Superintendence of the Village Defence Parties throughout the State vests in and is exercisable by Government and any control, direction or supervision exercisable by any officer over any member of a Village Defence Party shall be exercisable subject to such suprintendence.

5. Powers of the Inspector-General, Deputy Inspector-General and Suprintendent.—(1)The Inspector-General of Police shall be the Head of all the Village Defence Parties in the State and shall exercise general control over them.

(2) The Superintendent shall be the Head of Village Defence Parties in the area for which he is appointed as Superintendent.

(3) The administration of Village Defence Parties in any area shall, subject to the general control and direction of the Deputy Inspector-General of Police having jurisdication over the village be vested in the Superintendent.

6. Superintendent to constitute Village Defence Parties in the district.—On the issue of a notification under section 3, the Superintendent shall constitute for such village or villages as he considers necessary, Village Defence Parties consisting of such number of persons as he deems fit.

7. Qualifications of members of the Village Defence Parties.—Every person between the ages of twenty and fifty and residing in a village and who, having regard to the nature of duties and functions to be performed under this Act is fit and capable, shall be eligible for appointment as a member of the Village Defence Party constituted for the village.

8. Appointment of members.—(1) The Superintendent may by a written order in the prescribed form appoint any person eligible under section 7 as a member of the Village Defence Party.

(2) Every member of a Village Defence Party shall, on appointment, receive from the Suprintendent a certificate of appointment which shall be in such form as may be prescribed and thereupon he shall have the powers, privileges and protection conferred and discharge the duties imposed on a member of the Village Defence Party by or under this Act.

9. Appointment of Kotwal.—For every Village Defence Party, the Superintendent shall appoint one of its members as Kotwal whose powers and duties shall be such as may be prescribed.

10. Appointment of Station and District Village Defence Officers.—(1) For the direction and supervision of Village Defence Parties within the local limits of a Police Station, the Superintendent may appoint a Police Officer not below the rank of a Head Constable to be a Station Village Defence Officer.

(2) For the direction and supervision of Village Defence Parties in a district, the Superintendent may appoint a Police Officer not below the rank of a Sub-Inspector to be a District Village Defence fficer.

11. Control and training of members and Officers.—Members of the Village Defence Parties and the officers appointed under sections 9 and 10 shall be under the direction and control of the Superintendent and shall receive such training and discharge such duties and be subject to such terms and conditions of service, as may be prescribed.

12. Functions and duties of members.—The Inspector-General of Police, the Deputy Inspector-General of Police, the Superintendent or any Police Officer authorised by him in this behalf may call out any member of a Village Defence Party for training or to discharge any of the functions or duties assigned to them in accordance with the provisions of this Act and the rules made thereunder.

13. Powers, protection and control.—(1) Every member of the illage Defence Party shall, when called out for duty have the same powers, liabilities, privileges and protection as police officer appointed under the Mysore Police Act, 1908, the Madras District Police Act,

1859, the Police Act, 1861, the Hyderabad District Police Act, 1329 Fasli or the Bombay Police Act, 1951, as the case may be.

(2) No prosecution shall be instituted against a member of the Village Defence Party in respect of anything done or purporting to be done in the exercise of his power or the discharge of his functions or duties as such member, except with the previous sanction of the Government.

14. Certificate etc., to be delivered up by the person ceasing to be a member.—(1) Every person who for any reason ceases to be a member of a Village Defence Party or resigns his membership shall forthwith deliver to the Superintendent or to such person and at such place as the Superintendent may direct, his certificate of appointment or of office and the arms and other articles which may have been issued to him as such member.

(2) Where a member of a Village Defence Party dies, any person in custody of the certificate of appointment, the arms and the articles referred to in sub-section (1) which may have been issued to the said member shall forthwith deliver to the Superintendent or to such person and at such place as the Superintendent may direct, the said certificate of appointment, arms and articles.

(3) Any magistrate and the Superintendent, may issue a warrant to search for and seize wherever they may be found any certificate, arms or other articles not delivered as required by sub-section (1) or sub-section (2). Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police Officer or if the magistrate or the Superintendent issuing the warrant so directs, by any other person.

15. Punishment.— (1) If any member of the Village Defence Party on being called out under sub-section (1) of section 13, without reasonable excuse neglects or refuses to obey such order or to discharge his functions as a member of the Village Defence Party, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extened to one hundred rupees or with both.

(2) If any member of the Village Defence Party wilfully neglects or refuses to deliver up his certificate of appointment or of office and the arms or any other article in acoordance with tho provisions of sub-section (1) of section 14, he shall, on conviction, be punished with imprisonment which may extend to fifteen days or with fine which may extend to fifty rupees or with both.

(3) If any person wilfully neglects or refuses to deliver the certificate of appointment and the arms or any other article in accordance with the provisions of sub-section (2) of section 14, he shall, on conviction, be punished with fine which may extend to fifty rupees.

(4) No proceeding shall be instituted under sub-section (1) or sub-section (2) or sub-section (3) without the previous sanction of the Superintendent.

(5) A Police Officer may arrest without warrant any person who commits an offence punishable under sub-section (1) of this section.

16. Member of the Village Defence Parties to be public servants.— The members of the Village Defence Parties acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

17. Members of the Village Defence Parties not disqualified from being members of local authorities.—Notwithstanding anything contained to the contrary in any other law for the time being in force, a member of a Village Defence Party shall not be disqualified from being chosen as and for being a member of any local authority merely by reason of the fact that he is a member of a Village Defence Party or that he holds an office of profit under the Government by virtue of his being a member of a Village Defence Party.

Explanation.—For the purposes of this section, "local authority" includes a Municipal Corporation, Muncipal Council, Borough Municipalty, Sanitary Board, a Notified Area Committee, Taluk Development Board and Village Panchayats.

18. Amendment of Mysore Act No. 4 of 1956.—In section 3 of the Mysore Legislature (Prevention of Disqualification) Act, 1956, after clause (bb), the following clause shall be inserted, namely:

"(bb) the office of a member of a Village Defence Party constituted under the Mysore Village Defence Parties Act, 1964."

19. Powers of Government to make rules.—(1) The Government may by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate the following matters, namely:—

(*a*) the exercise of functions and duties by the members of Village Defence Parties under section 3 ;

(*b*) the constitution of Village Defence Parties under section 6;

(*c*) the form of certificate of appointment under sub-section (2) of section 8 ;

(*d*) the organisation, appointment, conditions of service, functions, discipline, arms of the members of the Village Defence Parties and the manner in which they may be called out for service ;

(*e*) power and duties and training of the Kotwal, Station and District Village Defence Officers under sections 10 and12 ;

(*f*) generally for giving effect to the provisions of this Act.

(3) All rules made under this Act shall subject to any modification made under sub-section (4), have effect as if enacted in this Act.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however, that any such modification or annulment shall be without prejudice to the validity of anything done under that rule.

Statement of Objects and Reasons.

The Village Defence Parties exist in the four districts of the Bombay Area. These parties are voluntary organisations of able-bodied villagers meant for the defence of villages against depredations of dacoits and other types of criminals. These parties are constituted under the Bombay Police Act, 1951.

2. In the present national emergency when the Police are engaged in important duties, it is considered necessary to organise village defence parties throughout the State for the defence of the villages, protection of persons and property, and preservation of public order and tranquillity. The Mysore Home Guards Act, 1962 provides for constitution of Home Guards. Home Guards are normally appointed for the urban areas. The village defence parties are meant for the villages. To constitute Village Defence Parties throughout the State a uniform law is proposed to be enacted. Hence the Bill.

Financial Memorandum.

The Village Defence Parties are already functioning in the four districts of Bombay Area at an average cost of Rs. 1,250 per annum.

The Mysore Village Defence Parties Bill, 1964 provides for the constitution of the Village Defence Parties throughout the New Mysore State. The approximate cost for the constitution of the Village Defence Parties throughout the Mysore State will be Rs. 25,000 per annum, which is inclusive of the average expenditure incurred on the constitution of the Village Defence Parties in the four districts of the Bombay Area.

R. M. PATIL.

G. S. VENKATARAMANA IYER,
Secretary.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-A

BANGALORE, WEDNESDAY, FEBRUARY 19, 1964 (MAGHA 30, SAKA ERA 1885). | No. 22

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 12091—L.A., dated Bangalore, 17th February 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Mysore Tenants (Temporary Protection from Eviction) Amendment Bill, 1964**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE TENANTS (TEMPORARY PROTECTION FROM EVICTION) AMENDMENT BILL, 1964.

A Bill further to amend the Mysore Tenants (Temporary Protection from Eviction) Act, 1961.

WHEREAS it is expedient further to amend the Mysore Tenants (Temporary Protection from Eviction) Act, 1961 (Mysore Act 37 of 1961);

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Tenants (Temporary Protection from Eviction) Amendment Act, 1964.

2. Amendment of section 1.—In sub-section (4) of section 1 of the Mysore Tenants (Temporary Protection from Eviction) Act, 1961 (Mysore Act 37 of 1961) (hereinafter referred to as the principal Act), for the figures and words "31st day of March, 1964", the figures and words "31st day of March 1965" shall be substituted.

3. Amendment of section 7.—To sub-section (1) of section 7 of the principal Act, the following Explanation shall be and shall be deemed always to have been added, namely :—

"*Explanation* :—For purposes of clause (a), land in the possession of any person as—

(i) ryotwari pattadar in the Madras Area and Bellary District ;

(ii) pattadar or shikmidar in the Hyderabad Area;

(iii) occupant in the Bombay Area and the Mysore Area, except Bellary District ; or

(iv) holder or landholder in the Coorg District ;

shall not be deemed to be land belonging to or held on lease from the Government."

STATEMENT OF OBJECTS AND REASONS.

The Mysore Tenants (Temporary Protection from Eviction) Act, 1961 will be in force till 31st day of March 1964. As it is necessary to provide for the continuance of the protection granted to the tenants till the Mysore Land Reforms Act, 1961 is brought into force, it is proposed to extend the duration of the Act till 31st day of March 1965.

Consequent upon the observation contained in the decision of the Supreme Court regarding the nature of ryotwari tenure in Kunhikoman Vs State of Kerala (A. I. R. 1962. SC. 723), a contention has been raised that ryotwari pattadars are lessees from the Government, and that therefore the Act is not applicable to lands held by such pattadars as contemplated by section 7(1) (a). In order to remove any such doubts and to ensure that tenants of holders of lands held on ryotwari tenure are protected from eviction, it is considered necessary to clarify that lands held by pattadars and similar holders do not fall within the scope of section 7 (1) (a). An explanation to this sub-section is therefore proposed to be added.

M. V. KRISHNAPPA.

G. S. VENKATARAMANA IYER,
Secretary,

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(EXTRAORDINARY)

PART IV—2-A

BANGALORE, WEDNESDAY, FEBRUARY 19, 1964
(MAGHA 30. SAKA ERA 1885). | No. 23

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 12092—L.A., dated Bangalore, 17th February 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Mysore Land Revenue (Surcharge) (Amendment) Bill, 1964**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LAND REVENUE (SURCHARGE) (AMENDMENT) BILL, 1964.

A Bill further to amend the Mysore Land Revenue (Surcharge) Act, 1961.

WHEREAS it is expedient further to amend the Mysore Land Revenue (Surcharge) Act, 1961 (Mysore Act 13 of 1961);

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Land Revenue (Surcharge) (Amendment) Act, 1964.

2. Amendment of section 3.—In sub-section (1) of section 3 of the Mysore Land Revenue (Surcharge) Act, 1961 (Mysore Act 13 of 1961), for the words and figures "for the revenue years 1962-63 and 1963-64", the words and figures "for the revenue years 1962-63, 1963-64 and 1964-65" shall be substituted.

Statement of Objects and Reasons.

The enquiries for resettlement of land revenue which have been undertaken in the State are in different stages of progress. The further stages of the resettlement operations could be gone through only after the Mysore Land Revenue Bill passed by the Legislature in the last Session is brought into force. The land revenue at the revised rates could be levied at the earliest from the revenue year 1965-66.

The Mysore Land Revenue (Surcharge) Act, 1961, provides for the levy of the surcharge on land revenue for the revenue years 1962-63 and 1963-64. As it is necessary to collect the surcharge till the revised land revenue is levied, it is proposed to amend the Act to enable the levy of the surcharge for the revenue year 1964-65 also.

Hence this Bill.

M. V. KRISHNAPPA.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, WEDNESDAY, FEBRUARY 19, 1964
(MAGHA 30, SAKA ERA 1885). | No. 24

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 13096/L.A., dated Bangalore, the 18th February 1964

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Mysore Tenancy Laws (Amendment) Bill, 1964** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE TENANCY LAWS (AMENDMENT) BILL, 1964.

A Bill further to amend certain tenancy laws in force in the State of Mysore.

WHEREAS it is expedient further to amend the Bombay Tenancy (Suspension of Provisions and Amendment) Act, 1957 (Mysore Act 13 of 1957), the Coorg Tenants Act, 1957 (Mysore Act 14 of 1957), the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Act, 1957 (Mysore Act 15 of 1957), and the Mysore Tenancy (Amendment and Continuance of Tenancies) Act, 1957 (Mysore Act 16 of 1957);

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mysore Tenancy Laws (Amendment) Act, 1964.

2. **Amendment of Mysore Act 13 of 1957.**—In section 2 of the Bombay Tenancy (Suspension of Provisions and Amendment) Act, 1957, for the words and figures "thirty-first day of March 1964" the words and figures "thirty-first day of March 1965" shall be substituted.

3. **Amendment of Mysore Act 14 of 1957.**—In sub-section (1) of section 8 of the Coorg Tenants Act, 1957, for the words and figures "31st day of March 1964", the words and figures "31st day of March 1965" shall be substituted.

4. **Amendment of Mysore Act 15 of 1957.**—In section 2 of the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Act, 1957, for the words and figures "31st day of March 1964", the words and figures "31st day of March 1965", shall be substituted.

5. **Amendment of Mysore Act 16 of 1957.**—In the Mysore Tenancy (Amendment and Continuance of Tenancies) Act, 1957—

(1) in section 4,—

(*a*) in sub-section (1), for the words and figures "during the calendar year 1957 or 1958 or 1959 or 1960 or 1961 or 1962 or 1963 or 1964 shall be deemed to be a tenancy for a further period ending on the 31st day of March 1964" the words and figures "during the calendar year 1957 or 1958 or 1959 or 1960 or 1961 or 1962 or 1963 or 1964 or 1965 shall be deemed to be a tenancy for a further period ending on the 31st day of March 1965" shall be substituted;

(*b*) in sub-section (2), for the words and figures"31st day of March 1964", the words and figures "31st day of March 1965" shall be substituted; and

(2) in sub-section (1) of section 5, for the words and figures "31st day of March 1964", the words and figures "31st day of March 1965" shall be substituted.

Statement of Objects and Reasons.

The duration of tenancies of agricultural lands in force in the State of Mysore which was further extended by the Mysore Tenancy Laws (Amendment) Act, 1963 (Mysore Act 12 of 1963), is due to expire on the 31st March 1964. As the Mysore Land Reforms Act, 1961 which provides for the repeal of these laws is not likely to be brought into force immediately, it is necessary to provide for the continuance of the *status quo* until the Mysore Land Reforms Act is brought into force.

Hence this Bill.

M. V. KRISHNAPPA.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, WEDNESDAY, MARCH 4, 1964
(PHALGUNA 14, SAKA ERA 1885).

No. 33

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 13865—L.A., Bangalore-1, dated 4th March 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Appropriation Bill, 1964**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE APPROPRIATION BILL, 1964.

Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1963-64.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1963-64.

BE it enacted by the Mysore State Legislature in the Fifteenth ear of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mysore ppropriation Act, 1964.

2. **Issue of rupees.20,95.60,342 out of the Consolidated Fund of the State for the financial year 1963-64.**—From and out of the Consolidated und of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty crores, ninety-five lakhs, sixty thousand, three hundred and forty-two rupees towards defraying the several charges which will come in course of payment during the financial year-1963-64 in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the chedule in relation to the said year.

THE SCHEDULE.

(*See* sections 2 and 3)

1	2		3		
No. of Demand	Services and Purposes		Sums not exceeding		Total
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.		Rs.	Rs.	Rs.
2	9 Land Revenue	...	5,86,000		5,86,000
4	11 Taxes on Vehicles	...	100		100
9	18 Parliament and State Legislatures	...	...	7,000	7,000
10	19 General Administration	...	3,56,200	...	3,56,200
14	25 Supplies and Disposals	...	20,10,000	...	20,10,000
16	27 Scientific Departments	...	71,500	...	71,500
17	28 Education	...	300	...	300
19	30 Public Health	...	2,44,400	...	2,44,400
20	31 Agriculture	...	200	...	200
23	34 Co-operation	...	5,00,000	...	5,00,000
24	35 Industries	...	69,64,000	...	69,64,000
27	39 Miscellaneous Social and Developmental Organisations		3,29,400	...	3,29,400
29	43 I.N.E. & D. Works (Commercial)	...	18,50,000	...	18,50,000
30	44 I.N E. & D. Works (Non-Commercial		5,00,000	...	5,00,000
34	65 Pensions & Other Retirement Benefits		4,96,000	...	4,96,000
39	71 Miscellaneous	...	19,28,100	...	19,28,100
40	72 Commutation of Pensions	...	3,96,400	...	3,96,400
	Total 'A'	...	1,56,77,600	7,000	1,56,81,600

THE SCHEDULE—*concld.*

1	2	3		
No. of Demand	Services and Purposes	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.	Rs.	Rs.	Rs.
43	94 Capital Outlay on Improvement of Public Health ...			
44	96 Capital Outlay on Industrial Development ...			5,00,000
45	99 Capital Outlay on I. N. E. & D. Works (Commercial) ...	25,00,100		25,01,242
46	100 Capital Outlay on I. N. E. & D. (Non-Commercial) ...	75,00,000		75,00,000
47	101 Capital Outlay on Electricity Schemes ...	9,27,52,200		9,27,52,200
48	103 Capital Outlay on Public Works ...	1,95,00,000		1,95,00,000
52	120 Payments of Commuted Value of Pensions ...	3,69,400	...	3,69,400
	Total 'C' ...	12,81,21,700	1,142	12,81,22,842
	D. PUBLIC DEBT REPAYMENT AND INTER-STATE DEBT-SETTLEMENTS			
	O. Public Debt-Repayment and R. Inter State Settlements ...	...	5,77,02,800	5,77 02,800
	E. DISBURSEMENT OF ADVANCES AND LOANS.			
54	Q. Loans and Advances by the State Governments ...	80,50,100	...	80,50,100
	Grand Total ...	15,18,49,100	5,77,10,942	20,95,60,342

Statement of Objects and Reasons

The Bill is introduced in pursuance of the provisions of Article 204(1) read with Article 205 of the Constitution of India to provide for the appropriation out of the Consclidated Fund of the State of moneys required towards defraying the several further charges which will come in course of payment during the financial year ending on 31st March 1964.

B. D. JATTI.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, THURSDAY, APRIL 2, 1964
(CHAITRA 12, SAKA ERA 1886). | No. 70

MYSORE LEGISLATIVE COUNCIL.

NOTIFICATION

No. 4/L.C., dated Bangalore, 1st April 1964.

Under Rule 63 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Council, the Chairman has been pleased to order the publication in the *Mysore Gazette* of **The Mysore (Registration of Documents) Validation Bill, 1964**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE (REGISTRATION OF DOCUMENTS) VALIDATION BILL, 1964.

A Bill to provide for the validation of documents relating to property situate in Yadiyur hobli, Kunigal taluk, Tumkur District, registered in the office of the Sub-Registrar, Kunigal.

WHEREAS Yadiyur hobli in Kunigal taluk, Tumkur District, was within the jurisdiction of Kunigal sub-district;

AND WHEREAS the said Yadiyur hobli was included within the jurisdiction of the sub-district of Bellur, Mandya District from the 1st August 1961 to 30th April 1962;

AND WHEREAS documents relating to property situated in the said Yadiyur hobli were during the said period registered in the office of the Sub-Registrar, Kunigal;

AND WHEREAS it is deemed expedient to validate the registration of the said documents;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Mysore (Registration of Documents) Validation Act, 1964.

2. **Validation of registration of certain documents relating to properties situated in Yadiur hobli, Kunigal taluk.**—Notwithstanding anything contained in the Indian Registration Act, 1908 (Central Act XIV of 1908), documents relating to any property situated in Yadiyur hobli, Kunigal taluk, Tumkur District, which were registered during the period commencing from 1st August 1961 and ending on 30th April 1962, in the office of the Sub-Registrar, Kunigal, Tumkur District shall be deemed to have been validly registered in that office, and no such registration shall be called in question merely on the ground that it was not registered in the office of the Sub-Registrar, Bellur, Mandya District.

Statement of Objects and Reasons.

A new Sub-Registry Office was formed with effect from 1st August 1961 at Bellur, Nagamangala Taluk, Mandya District with jurisdiction over :

(1) 63 Villages of Yediyur hobli which were in the jurisdiction of Sub-Registry Office, Kunigal ;

(2) 5 Villages of Mayasandra hobli which were in the jurisdiction of the Sub-Registry Office, Turuvekere ;

(3) 83 Villages of Nelligere hobli which were in the jurisdiction of the Sub-Registry Office, Nagamangala ;

(4) 75 Villages of Bindignavale hobli which were in the jurisdiction of the Sub-Registry Office, Nagamangala.

On the eve of the formation of this Office, the public of Yadiyur hobli represented that their villages may be continued under the jurisdiction of the Sub-Registry Office at Kunigal. Pending consideration of this request, the documents relating to the properties in the 63 Villages of Yadiyur hobli were ordered to be registered at the Sub-Registry Office, Kunigal. It was subsequently ordered that these 63 Villages be transferred to the jurisdiction of the Kunigal Sub-Registry Office. Thus 63 Villages of Yadiyur hobli were included within the jurisdiction of the Sub-Registry Office at Bellur from 1st August 1961 to 30th April 1962 but the documents relating to the Properties situated in these Villages were registered at the Sub-Registry Office, Kunigal, during the said period.

It is necessary to validate the registration of the said Documents. Hence this Bill.

M. V. KIRSHNAPPA.

G. S. VENKATARANA IYER,
Secretary.

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MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 4308/L.A., Bangalore-1, dated 9th June 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of The Mysore Public Libraries Bill, 1964 together with the Statement of Objects and Reasons relating thereto, the Bill and the Statement of Objects and Reasons are accordingly published for general information.

MYSORE PUBLIC LIBRARIES BILL, 1964

Arrangement of Clauses

PREAMBLE

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THE MYSORE PUBLIC LIBRARIES BILL, 1964.

A Bill to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of Mysore.

WHEREAS it is expedient to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of Mysore and for matters connected therewith;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Public Libraries Act, 1964.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) 'academic library' means a library maintained by a university, college, school or research institution;

(2) 'aided library' means a library declared by the State Librarian to be eligible for aid from the Government in accordance with the rules made under this Act;

(3) 'book' includes—

(i) every volume, part or division of a volume, and pamphlet, in any language;

(ii) every sheet of music, map, chart or plan separately printed or lithographed;

(iii) newspapers, periodicals and other such materials;

(4) 'City Library Authority' means a Library Authority constituted for a city or other urban area under sections 16 and 17 ;

(5) 'Departmental Library' means a library maintained by a Department of the State Government, the State Legislature, the High Court or any other court or any authority of the State ;

(6) 'district' means a revenue district ;

(7) 'District Library Authority' means a Library Authority constituted for a district under sections 16 and 18 ;

(8) 'library cess' means a cess levied under section 27 ;

(9) 'Local Library Authority' means a City Library Authority or a District Library Authority ;

(10) 'notification' means a notification published in the official Gazette ;

(11) 'outlier library' means any library other than a public library ;

(12) 'prescribed' means prescribed by rules made under this Act ;

(13) 'public library' means,—

(*a*) a library established or maintained by a Local Library Authority, including the branches and delivery stations of such library ;

(*b*) a library established or maintained by the State Government and declared open to the public ;

(*c*) a library established or maintained by any local authority and declared open to the public ;

(*d*) a library declared to be eligible for aid and receiving aid from the State Government ;

and includes, any other library notified by the State Government as a public library for the purposes of this Act ;

(14) 'State Central Library' means the library declared to be the State Central Library under Chapter VI ;

(15) 'State Librarian' means the State Librarian appointed under this Act ;

(16) 'State Library Authority' means the Authority constituted under section 3 ;

(17) 'year' means the financial year.

CHAPTER II.

THE MYSORE STATE LIBRARY AUTHORITY.

3. Constitution and composition of the State Library Authority.—(1) As soon as may be after the commencement of this Act, the State Government shall, by notification, constitute for the purposes of this Act, an authority to be called the Mysore State Library Authority. Such authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

(2) The Mysore State Library Authority shall consist of,—

(*a*) the Minister in charge of Education who shall *ex-officio* be the President of the Authority ;

(*b*) the State Librarian who shall *ex-officio* be the Secretary of the Authority ;

(*c*) three persons elected by the Mysore Legislative Assembly from among its members ;

(*d*) two persons elected by the Mysore Legislative Council from among its members ;

(*e*) one person elected by the Syndicate of each of the Universities in the State from among the members of the Syndicate ;

(*f*) one person elected by the Executive Committee of the Mysore Library Association from among the members of the Association ;

(*g*) one person elected by the City Library Authority of the City of Bangalore from among its members ;

(*h*) one person elected by the City Library Authority of one of the cities in the State other than the City of Bangalore for which a City Library Authority is established, from among the members of such Authority, subject to the condition that such election shall be made by each City Library Authority for one term in such order of rotation as the State Government may by order determine ;

(*i*) one person elected by the District Library Authority of one of the Districts in each Revenue Division of the State from among the members of such Authority, subject to the condition that such election shall be made by each District Library Authority in every Revenue Division for one term in such order of rotation as the State Government may by order determine ;

(*j*) two persons nominated by the State Government from among the Secretaries to Government and Heads of Departments ;

(*k*) two persons nominated by the State Government who in the opinion of the State Government are experts in library science :

Provided that at the first constitution of the Authority for purposes of clauses (*g*), (*h*) and (*i*), six persons ordinarily resident in the cities and districts of the Revenue Divisions for which the Library Authorities may be established, shall be nominated by the State Government.

4. Functions of the State Library Authority.—The State Library Authority shall advise the State Government on all matters connected with the administration of this Act, shall be the managing authority for the State Central Library, and shall exercise and perform such powers and duties conferred and entrusted to the said Authority by or under the provisions of this Act.

5. Nomination of members in default of election.—If any of the bodies referred to in sub-section (2) of section 3 does not, by such period as may be prescribed, elect a person to be a member of the State Library Authority, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

6. Term of office.—(1) Save as otherwise provided in this Act, the term of office of members of the State Library Authority, other than *ex-officio* members, shall be for a period of two years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under section 3.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

7. Vacancies.—In the event of a vacancy arising out of death, resignation, disability or otherwise, previous to the expiry of the term of office of any member of the State Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in sub-section (2) of section 3, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

8. Disabilities for continuing as member.—If any member other than an *ex-officio* member of the State Library Authority, during the period for which he has been nominated or elected,—

(*a*) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority ; or

(*b*) in the case of a member elected by any body referred to in sub-section (2) of section 3, ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

9. Meetings of the State Library Authority.—(1) The State Library Authority shall meet at least twice a year on dates to be fixed by the President. One of such meetings shall be the annual meeting.

(2) The President may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

(3) Subject to prescribed conditions, special meetings may be convened by the President to discuss matters of urgent importance upon a requisition in writing signed by not less than one-third of the members of the Authority.

(4) Two-fifths of the total number of members of the Authority, shall be the quorum for a meeting of the State Library Authority.

(5) The President, if present, shall preside at every meeting of the Authority. In the absence of the President, the members present at the meeting shall choose one from among themselves to preside thereat.

10. Procedure of State Library Authority.—The State Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

11. Savings of validity of acts and proceedings.—No act done, or proceedings taken under this Act shall be questioned merely on the ground,—

(*a*) of any vacancy or defect in the constitution of any Authority or any committee thereof ; or

(*b*) of any defect or irregularity in such act or proceedings not affecting the merits of the case.

CHAPTER III.

Department of Public Libraries.

12. Department of Public Libraries.—For the purposes of this Act, a Department of Public Libraries shall be constituted with a State Librarian as its head and such other officers and servants as the Government may by order specify.

13. Functions of the Department.—(1) Subject to the control of the State Government, the Department of Public Libraries shall be responsible for the administration of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Department shall—

(*a*) superintend and direct all matters relating to all public libraries ;

(*b*) promote the establishment of public library service so as to achieve the purposes of the Act ;

(*c*) supervise and direct all matters relating to libraries receiving aid from the State Government ;

(*d*) superintend, direct, and deal with the exercise of powers and the performance of duties by Local Library Authorities under this Act ;

(*e*) ensure the proper utilisation of the Library Fund and library man-power of the State ;

(*f*) perform such other functions as may be entrusted to the Department by or under the provisions of this Act.

14. State Librarian.—(1) A whole time officer having the prescribed qualifications to practise the library profession shall be appointed by the State Government as the State Librarian.

(2) The State Librarian shall,—

(*a*) function as the Librarian of the State Central Library ;

(*b*) superintend, direct, and deal with all matters relating to the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) and to the maintenance and service of the books sent under the said Act ;

(*c*) control the appointments, postings, and transfers of officers and servants in the State Library Service ;

(*d*) generally assist the State Library Authority in performing its functions ;

(*e*) exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act.

15. State Library Service.—(1) Notwithstanding anything contained in any other law, all posts in the Department of Public Libraries, the State Central Library and every Local Library Authority shall be filled by appointment of persons belonging to the Mysore State Library Service.

(2) The Mysore State Library Service shall consist of such classes and categories of posts as the State Government may from time to time determine. All members of the said service shall be Government servants, and their recruitment

and conditions of service shall, subject to the provisions of Article 309 of the Constitution, be regulated by such rules as may be prescribed.

(3) A Library Authority may, if it deems necessary, by a resolution passed by two-thirds of the total number of members of the Authority recommend to the State Government the taking of such disciplinary action as may be necessary against any officer belonging to the said service in respect of any misconduct by him while in the service of the said Authority.

(4) The salary, allowances, gratuity, pension and other benefits of the members of the Mysore State Library Service shall be met from the Consolidated Fund of the State.

CHAPTER IV.

Local Library Authorities.

16. Constitution of Local Library Authorities.— (1) For the purpose of organising and administering Public Libraries in the State, there shall be constituted Local Library Authorities—

(*a*) for the Cities of Bangalore, Hubli-Dharwar, Mangalore, Mysore and Belgaum, and for such other urban areas having a population of more than one lakh, as the State Government may by notification specify, called the City Library Authority ; and

(*b*) for each revenue district, excluding the area for which a City Library Authority is constituted, called the District Library Authority :

Provided that the District Library Authority constituted for Bangalore District (Rural) shall organise and administer public libraries in Bangalore District (Urban) also, excluding the City of Bangalore.

(2) Every Local Library Authority shall by the name of the area for which it is constituted, be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

17. **Composition of City Library Authorities.**—Every City Library Authority shall consist of—

(*a*) a principal of a First Grade College in the city nominated *ex-officio* by the State Government, who shall be the Chairman of the Authority ;

(*b*) the Chief Librarian of the city, who shall *ex-officio* be the Secretary of the Authority ;

(*c*) two persons elected by the municipal corporation, municipal council or other municipal body of the city from among its members ;

(*d*) one person nominated by the Executive Committee of the city branch, if any, of the Mysore Library Association from among the members of the branch ;

(*e*) one person nominated by the State Government from among the members of governing bodies of aided libraries in the city ;

(*f*) three persons nominated by the State Government from among the staff of colleges, high schools and officers of the Department of Public Instruction residing in the city ;

(*g*) one person nominated by the State Government from among persons ordinarily resident in the city who are in the opinion of the State Government experts in library science.

18. **Composition of District Library Authorities.**—Every District Library Authority shall consist of—

(*a*) the Deputy Commissioner of the district who shall *ex-officio* be the Chairman of the Authority ;

(*b*) the District Educational Officer or the Educational Inspector of the district who shall *ex-officio* be the Vice-Chairman ;

(*c*) The Chief Librarian of the district who shall *ex-officio* be the Secretary of the Authority ;

(*d*) one person elected from among its members by each municipal council or other municipal body in the district with jurisdiction over a municipal area having a populaton of not less than fifty thousand ;

(*e*) two persons nominated by the State Government from among the members of municipal councils or other municipal bodies in the district with jurisdiction over a municipal area having a population of less than fifty thousand ;

(*f*) two persons nominated by the State Government from among the members of village panchayats and town panchayats in the district ;

(*g*) one person nominated by the executive committee of the district branch of the Mysore Library Association from among the members of the branch, if any ;

(*h*) one person nominated by the State Government from among the members of the governing bodies of aided libraries in the district ;

(*i*) three persons nominated by the State Government from among the staff of colleges, high schools and officers of the Department of Public Instruction residing in the district ;

(*j*) one person nominated by the State Government from among persons ordinarily resident in the district who are in the opinion of the State Government experts in library science.

19. Nomination of members in default of election.—If any of the bodies referred to in section 17 or 18 does not by such period as may be prescribed elect or nominate a person to be a member of the City Library Authority or the District Library Authority, as the case may be, the State Government shall, by notification, nominate to the vacancy a person

qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

20. Term of office.—(1) Save as otherwise provided in this Act, the term of office of members of a Local Library Authority, other than *ex-officio* members, shall be for a period of two years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under sections 16, 17 and 18.

(2) An outgoing member shall continue in office until the election or nomination of his successor.

(3) An outgoing member shall be eligible for re-election or re-nomination.

21. Vacancies.—In the event of a vacancy arising out of death, resignation, disability or otherwise, before the expiry of the term of office of any member of a Local Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in section 17 or section 18, as the case may be, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

22. Disabilities for continuing as member.—If any member other than an *ex-officio* member of a Local Library Authority, during the period for which he has been nominated or elected,—

(*a*) absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority; or

(*b*) in the case of a member elected by any body referred to in section 17 or section 18 ceases to be a member of the body concerned,

his office in the Authority shall become vacant.

23. Powers and functions of Local Library Authorities.—(1) It shall be the duty of every City Library Authority and every District Library Authority to provide library service to the persons residing in the area within its jurisdiction.

(2) For purposes of sub-section (1), a Local Library Authority may,—

(*a*) provide suitable lands and buildings for public libraries, and the furniture, fittings, equipment and other conveniences necessary for the purpose ;

(*b*) provide such libraries with books, periodicals, newspapers, maps, gramaphone records, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like ;

(*c*) with the previous sanction of the State Government shift or close any public library ;

(*d*) accept any endowment or gift for any purpose connected with its activities :

Provided that no gift or endowment of an immovable property shall be accepted without the previous sanction of the State Government ;

(*e*) provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act ;

(*f*) with the consent of the management and the previous sanction of the State Government acquire any library on such conditions as may be approved by the State Government ;

(*g*) with the sanction of the State Government do any other thing that may be conducive to the furtherance of the purposes of this Act ;

(*h*) exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act.

24. Development Plan.—(1) Subject to such general or special orders of the State Government, as soon as possible after a Local Library Authority is constituted and thereafter as often as may be required by the State Librarian, every Local Library Authority shall, and whenever it considers it necessary so to do, a Local Library Authority may, prepare a plan (hereinafter referred to as the 'Local Development Plan') for establishing libraries and spreading library service within the jurisdiction of such Authority in such form and manner and containing such particulars as may be prescribed.

(2) The salient features of every Local Development Plan prepared under sub-section (1) shall be published in such manner as may be prescribed along with a notice inviting objections and suggestions from all persons interested in the Plan within such period as may be specified in the notice. Any objection or suggestion which may be received from any person with respect to the Local Development Plan shall be considered by the Local Library Authority and such modifications in the Plan shall be made as the Authority deems fit.

(3) The Local Development Plan shall thereafter be sent to the State Librarian along with a copy of the objections and suggestions received under sub-section (2). The State Librarian shall with his comments on the Local Development Plan submit it to the State Government for sanction.

(4) The State Government may if it deems fit after ascertaining the views of the State Library Authority sanction the Local Development Plan with such alterations as it considers necessary. The State Government may on application by the Local Library Authority concerned, modify any Local Development Plan sanctioned under this sub-section.

(5) (*a*) As soon as may be after the State Government sanctions a Local Development Plan under sub-section (4), the State Librarian shall in conformity

with the provisions of the said Plan make an order called the Local Library Order for the area, specifying the Central Library and the Branch Libraries including branches, to be located in educational institutions, prisons and hospitals and the service stations, which shall be established and maintained by the Local Library Authority, the measures to be taken by the Local Library Authority for providing adequate library service to the people in the area and the stages in which such measures shall be taken.

(*b*) A Local Library Order made under clause (*a*) may be amended in consultation with the Local Library Authority, whenever the State Librarian considers it expedient to do so.

(6) Every Local Library Authority shall give effect to the Local Development Plan as sanctioned by the State Government and the Local Library Order made under subsection (5).

25. Local Library Authority to appoint committees.—(1) Every Local Library Authority shall constitute the following committees by election from among its members, namely :—

(i) the Executive Committee;

(ii) the Book Fund Committee; and

(iii) the Finance Committee.

(2) A Local Library Authority may constitute committees for such other purposes as it deems fit.

(3) The President of the Local Library Authority shall *ex-officio* be a member and Chairman of the Executive Committee, the Book Fund Committee and the Finance Committee.

(4) (*a*) The Executive Committee shall be responsible for the executive functions of the Local Library Authority.

(*b*) The Book Fund Committee shall be responsible for the procuring and stocking of books, periodicals, other forms of reading materials and other equipment necessary for the central library and the branch libraries.

(*c*) The Finance Committee shall scrutinise proposals for increase of revenue, examine the receipts and expenditure statements, consider all new propositions affecting finance and shall generally supervise the revenue and expenditure of the Local Library Authority.

26. Advisory Library Committees.—(1) For the purpose of advising on local requirements relating to library service of each branch library and each service station in a village served by travelling library service, Advisory Committees shall be constituted in accordance with the provisions of this section.

(2) Every Branch Library Committee shall consist of,—

(*a*) the Branch Librarian who shall *ex-officio* be the Chairman and convenor of the Committee;

(*b*) one person representing the area which the Branch Library serves, on the municipal council or other municipal body or the panchayat having jurisdiction over that area, elected by the body concerned;

(*c*) one person nominated by the executive council of the town branch, if any, of the Mysore Library Association;

(*d*) three teachers of educational institutions in the area in which the branch library is located, nominated by the City Librarian or the District Librarian, as the case may be;

(*e*) three persons from among the registered borrowers of the branch library nominated by the City Librarian or the District Librarian, as the case may be.

(3) Every Village Library Committee shall consist of—

(*a*) the Travelling Librarian visiting the service station in the village who shall *ex-officio* be the Chairman and convenor of the Committee ;

(*b*) two teachers of educational institutions in the area served by the service station, nominated by the Chief Librarian of the District ;

(*c*) two persons from amongst the registered borrowers in the area served by the service station, nominated by the Chief Librarian of the district.

(4) The nominated members of the Branch Library Committee and the Village Library Committee shall hold office for a period of two years or until their successors are nominated.

CHAPTER V.

Finance and Accounts.

27. Library Cess.—(1) (*a*) Every City Library Authority shall levy a library cess in the form of a surcharge on—

(i) tax on lands and buildings ;

(ii) tax on entry of goods into the local area for consumption, use or sale therein ;

(iii) tax on vehicles ;

(iv) tax on professions, trades, callings and employments ;

levied in the area within the jurisdiction of such Library Authority under the relevant laws relating to local authorities providing for the levy of such taxes, at the rate of three paise for every rupee of the taxes so levied.

(*b*) Every District Library Authority shall levy a library cess in the form of a surcharge on tax on lands and buildings levied in the area within the jurisdiction of such Library Authority, under the relevant laws relating to local authorities providing for the levy of such tax at the rate of three paise for every rupee of the tax so levied.

(2) The cess levied under clause (*a*) or clause (*b*) of sub-section (1) shall be collected by the municipal corporation, municipal council or other municipal body, or the village panchayat or other local authority having jurisdiction over the area as if the cess were a tax referred to in the said clause payable under the relevant laws for the time being in force in the area, and all the provisions of the said laws relating to the levy and collection of the said tax shall apply subject to such modifications as may be prescribed.

(3) The cess collected under sub-section (2) by every local authority shall be paid to the City Library Authority or the District Library Authority, as the case may be.

28. Government grant to District Library Authority of a portion of land revenue.—(1) The State Government shall make annually a grant to every District Library Authority of an amount equal to three per cent of the land revenue collected in the district.

(2) The amount granted to a District Library Authority under sub-section (1) shall be credited to the Local Library Fund of the district at such times and in such manner as may be prescribed.

29. Local Library Fund.—(1) Every City Library Authority and District Library Authority shall maintain a Local Library Fund called the City Library Fund and the District Library Fund, as the case may be, from which all its payments under this Act shall be met.

(2) There shall be credited to the City Library Fund and the District Library Fund, as the case may be, the following sums, namely :—

(*a*) the cess collected under sub-section (2) of section 27 ;

(*b*) the grant under section 28 ;

(*c*) contributions, gifts and income from endowments made to the Library Authority for the benefit of public libraries ;

(*d*) special grants which the Government may make for any specified purpose connected with libraries ;

(*e*) funds and other amounts collected by the Local Library Authority under rules or bye-laws made under this Act.

30. Accounts.—(1) An account shall be kept of the receipts and expenses of each City Library Authority and District Library Authority.

(2) The accounts shall be open to inspection, and shall be subject to audit, disallowance and surcharge and shall be dealt with in all other respects in such manner as may be prescribed.

CHAPTER VI.

State Central Library.

31. Vesting of Bangalore Public Library in the State Library Authority.—(1) With effect from such date as the State Government may by notification appoint, (hereinafter referred to in this Chapter as the appointed day), the entire management and control of the Public Library, Bangalore, now vested in the Committee of Management of the Public Library, Bangalore, shall be vested in the State Library Authority.

(2) As from the appointed day, the Committee of Management of the Public Library, Bangalore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the Mysore Societies Registration Act, 1960, shall stand dissolved and all property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the State Library Authority and shall be applied for the purposes specified in this Act and such other purposes as may be prescribed.

(3) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the State Library Authority.

(4) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration, and upon the same terms and conditions, and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same, as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

32. Mysore State Central Library.—(1) As from the appointed day, the Public Library, Bangalore, shall be the Mysore State Central Library.

(2) (*a*) The Mysore State Central Library shall be maintained as a reservoir of books for the proper functioning of the State library system.

(*b*) In addition to a general library, the State Central Library shall consist of the following sections, namely :—

(i) a State Bureau of Copyright Collections ;
(ii) a State Library for the Blind ;

(iii) a State Bureau of inter-library loans;
(iv) a State Bibliographical Bureau;
(v) a State Bureau of Technical Service.

33. Sections of State Central Library.—(1) (*a*) One copy of each book received under the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) shall be kept in the State Central Library as a Bureau of Copyright.

(*b*) Copies of books in the Bureau of Copyright shall not be issued by way of loan of any kind but may be made available for reference in the library premises.

(2) (*a*) The production, and storage of books, sound records of books and kindred materials for the blind, and the issue of such books and materials for the use of the blind shall be dealt with in the section relating to the State Library for the Blind.

(*b*) The State Central Library may collaborate with other Libraries for the Blind in India and undertake such work as may be necessary for purposes of such collaboration.

(3) (*a*) The State Bureau of inter-library loan shall implement such schemes of inter-library loans among the public libraries, academic libraries, departmental libraries, aided libraries and the outlier libraries in the State as may be prescribed.

(*b*) The State Central Library may with the approval of the State Government, collaborate in any scheme of inter-State library loans.

(4) (*a*) The State Bibliographical Bureau shall undertake such bibliographical work as may be prescribed, and may for this purpose collaborate with Departments of Government and educational and other bodies in the State.

(*b*) The State Central Library may, with the approval of the State Government, collaborate with Bibliographical Bureaux or agencies in India and undertake such bibliographical work as may be necessary for purposes of such collaboration.

(5) (*a*) The State Bureau of Technical Service shall be maintained for centralised technical services, such as, acquisition, classification and cataloguing of books for public libraries, academic libraries, departmental libraries, aided libraries and outlier libraries, in accordance with such schemes as may be prescribed.

(*b*) The State Central Library may, with the approval of the State Government, collaborate with the other similar Bureaux of Technical Service in India and undertake such technical work as may be necessary for purposes of such collaboration.

CHAPTER VII.

Reports, Returns and Inspection.

34. Reports and returns.—Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the State Librarian or any person authorised by him in this behalf as the said librarian or authorised person may, from time to time, require.

35. Inspection of libraries.—The State Librarian or any person authorised by him in this behalf may inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and bye-laws made thereunder are duly carried out.

36. Annual Report.—The State Librarian shall, in respect of each financial year, prepare an annual report of the progress made by the Local Library Authorities during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

CHAPTER VIII.

MISCELLANEOUS.

37. Power to make rules.—(1) The State Government may, after previous publication by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the method of election or nomination of members to the State Library Authority, the Local Library Authorities, the Branch Library Committees and the Village Library Committees ;

(*b*) the establishment and maintenance of a State Library Fund by the State Library Authority ;

(*c*) the administration and management of the State Central Library ;

(*d*) the maintenance of accounts by the State Library Authority and the Local Library Authorities and the publication of audited statement of accounts and the reports of auditors ;

(*e*) the grants-in-aid to aided libraries and the standards to be maintained by such libraries ;

(*f*) the maintenance of State Registers of Libraries, and of Librarians ;

(*g*) the matters referred to in sub-section (2) of section 38 relating to the power of the Local Library Authorities to make bye-laws in so far as they are matters which are also applicable to the State Central Library and in respect of which rules have to be made ;

(*h*) the restrictions and conditions subject to which the State Library Authority or a Local Library Authority may enter into contracts, or acquire, hold or dispose of property.

(3) Every rule made under this Act shall, as soon as may be after it is made be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

38. Power of Local Library Authorities to make bye-laws.—(1) A Local Library Authority may, subject to the provisions of this Act and the rules made thereunder and with the previous sanction of the State Government, by notification, make bye-laws generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely :—

(*a*) the admission of the public to the public libraries in the area within the jurisdiction of the Local Library Authority subject to such conditions as may be specified in such bye-laws :

Provided that no fees shall be charged for such admission ;

(*b*) the guarantee or security to be furnished by persons desiring to use such libraries, against injury to, or misuse, destruction or loss of the property of such libraries ;

(*c*) the manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction or loss ;

(*d*) the authority to be exercised by the officers and servants of the Local Library Authority for the purpose of exclusion or removal from any such library of any person who contravenes or does not comply with any provisions of this Act or any rule or bye-law made thereunder :

Provided that a Local Library Authority shall not have power to make any bye-laws affecting the State Central Library.

(3) Every bye-law made under this section shall be subject to the condition of previous publication and such publication shall be in the official Gazette and in such other manner as may be prescribed.

(4) The State Government may by notification modify or cancel any bye-law made by a Local Library Authority under this section :

Provided that before modifying or cancelling any bye-law, the State Government shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

39. Offences and penalties.—Whoever.—

(*a*) in a public library or other institution maintained under this Act acts in any manner likely to cause annoyance or disturbance to any person using such library or institution, or behaves in a disorderly manner or uses violent or abusive language in any such library or institution ; or

(*b*) after due warning persists in remaining therein beyond the hours fixed for closing,

shall be liable to be removed from such library or institution and shall also be punishable with fine which may extend to rupees ten and for a second or subsequent offence with fine which may extend to rupees fifty.

40. Control of Local Library Authorities by Government.—(1) If, at any time, it appears to the State Government that a Local Library Authority has failed to perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the State Government may communicate the particulars thereof to the Local Library Authority, and if the Local Library Authority omits to remedy such failure, excess or abuse or to give an explanation which in the opinion of the State Government is satisfactory within such time as the State Government may fix in this behalf, the State Government may supersede the Local Library Authority for such period as the State Government may direct.

(2) If a Local Library Authority is superseded—

(*a*) all the powers and duties of the Authority shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may from time to time appoint in this behalf;

(*b*) all property vested in the Local Library Authority shall during the period of supersession, vest in the State Government; and

(*c*) on the expiry of the period of supersession, the Local Library Authority shall be reconstituted in the manner provided in this Act.

41. Liability of members for loss, waste or misapplication.—(1) Every member of a Local Library Authority shall be personally liable for the loss, waste or misapplication of any money or other property of the Authority to which he has been a party, or which has been caused or facilitated by his misconduct or neglect of his duty as a member.

(2) If after giving the member or members concerned a reasonable opportunity for showing cause to the contrary the State Librarian is satisfied that the loss, waste or misapplication of any money or other property of the Local

Library Authority is a direct consequence of misconduct or neglect on his or their part, the State Librarian shall by order in writing direct such member or members to pay to the Local Library Authority before a specified date, the amount required to reimburse it for such loss, waste or misapplication.

(3) If the amount is not so paid, it shall be recoverable as an arrear of land revenue.

(4) An appeal shall lie from the decision of the State Librarian to the Mysore Revenue Appellate Tribunal within such period as may be prescribed, and the decision of the Mysore Revenue Appellate Tribunal on such appeal shall be final.

42. **Members and employees of Library Authorities to be public servants.**—Every member of the State Library Authority or a Local Library Authority and every officer and servant employed under such authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

43. **Provisions relating to suits, etc.**—(1) No suit or other legal proceeding shall be instituted against the State Library Authority or a Local Library Authority or any of its officers or any person acting under its direction until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Authority or at the place of abode of such officer or person ; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff.

(2) No suit or other legal proceeding shall lie against the State Government, the State Librarian, the State Library Authority or a Local Library Authority, or any member, officer, servant or agent of such Authority acting under its direction, in respect of anything done or intended to have been done lawfully and in good faith under this Act or any rule, bye-law or order made thereunder.

44. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

45. Transfer of certain libraries.—(1) (*a*) With effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the appointed day), the entire management and control of the Public Library, Mysore, now vested in the Committee of Management of the Public Library, Mysore, shall be vested in the Mysore City Library Authority.

(*b*) As from the appointed day, the Committee of Management of the Public Library, Mysore, a society registered under the Mysore Societies Registration Act, 1904, now deemed to be registered under the Mysore Societies Registration Act, 1960 shall stand dissolved and all property, movable and immovable, and all rights, powers and privileges of the said society which immediately before the appointed day belonged to or vested in the said society shall vest in the Mysore City Library Authority and shall be applied for purposes specified in this Act and such other purposes as may be prescribed.

(*c*) As from the appointed day, all debts and liabilities of the said society shall stand transferred to and vest in the Mysore City Library Authority.

(*d*) Every employee of the said society shall, as from the appointed day, become an employee of the State Government and shall hold his office under the State Government a member of the Mysore State Library Service on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the said society, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

(2) (*a*) The State Government may by notification transfer the Mahatma Gandhi Public Library, Mercara, to the Coorg District Library Authority, with effect from such date as may be specified in such notification.

(*b*) With effect from the day on which such transfer takes place, all assets and liabilities appertaining to the said library shall stand transferred to and vest in the Coorg District Library Authority.

(*c*) With effect from the day on which such transfer takes place, every person employed by the Government in connection with the said public library shall hold his office under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same if the transfer had not taken place and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

(3) (*a*) Notwithstanding anything contained in section 47, with effect from such date as the State Government may by notification appoint (hereinafter referred to in this sub-section as the specified day), the entire management and control of Karnad Sadashiva Rao District Central Library, Mangalore shall stand transferred to the Mangalore City Library Authority.

(*b*) As from the specified day, all assets and liabilities of the South Kanara District Library Authority appertaining to the said District Central Library shall stand transferred to and vest in the Mangalore City Library Authority.

(*c*) Every employee of South Kanara District Library Authority who was employed by the said Authority wholly or mainly in connection with the said District Central Library shall, as from the specified day, become an employee of the State Government and shall hold his office

under the State Government as a member of the Mysore State Library Service on the same tenure, at the same remuneration, and upon the same terms and conditions and with the same rights and privileges as to provident fund, gratuity and other matters, as he would have held the same as an employee of the South Kanara District Library Authority, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

46. Amendment of the Press and Registration of Books Act, 1867 in its application to the State of Mysore.—The Press and Registration of Books Act, 1867 (Central Act XXV of 1867) shall, in its application to the State of Mysore, be amended as follows,—

(i) in the first paragraph of section 9, for clause (*a*), the following clause shall be substituted, namely :—

"(*a*) in any case, within one calendar month after the day on which any such books shall first be delivered out of the press, three such copies, and";

(ii) in the last paragraph of section 9, for clause (i), the following clause shall be substituted, namely :—

" (i) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, block prints or other engravings belonging to the book have been made, and three copies of the first or some preceding edition of which book have been delivered under this Act, or";

(iii) in section 11, for the first sentence, the following sentence shall be substituted, namely :—

"Out of the three copies delivered pursuant to clause (*a*) of the first paragraph of section 9 of this Act, one copy shall be sent to the State Central Library, Bangalore, referred to in the Mysore

Public Libraries Act, 1964, and the remaining two copies shall be disposed of in such manner as the State Government may, from time to time determine."

47. Repeal and savings.—(1) The Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) and the Hyderabad Public Libraries Act, 1955 (Hyderabad Act III of 1955) are hereby repealed.

(2) Notwithstanding such repeal—

(*a*) the members of the Local Library Authorities constituted under the Madras Public Libraries Act, 1948, and holding office immediately before the commencement of this Act shall be deemed to be the members of the Local Library Authorities constituted under this Act and shall exercise all powers and perform all duties conferred on such Authorities in the respective areas in which they are functioning at such commencement until their present term expires or until new authorities are constituted under this Act, whichever is later;

(*b*) all rules, bye-laws and regulations made under the said Act and in force at the commencement of this Act, shall, so far as such rules, bye-laws and regulations are not inconsistent with this Act, continue to be in force at such commencement and such rules, bye-laws, and regulations shall be deemed to be rules, bye-laws and regulations made under the provisions of this Act until they are superseded or modified by rules, bye-laws made under this Act.

(3) (i) Clause (22) of section 66 of the Bombay Provincial Municipal Corporations Act, 1949 (Bombay Act LIX of 1949),

(ii) Clause (f) of rule 4 in Part I of Schedule IV of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949),

(iii) Clause (e) of sub-section (1) of section 43 of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act 10 of 1959), and

(iv) Clause (b) of section 91 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964),

are hereby repealed in so far as they pertain to Libraries and Reading Rooms.

(4) Notwithstanding such repeal each of the existing libraries and reading rooms may be continued by the Local Body concerned until it is acquired by the appropriate Local Library Authority under clause (f) of sub-section (2) of section 23.

Statement of Objects and Reasons

The Madras Public Libraries Act, 1948 is in force in the Madras Areas and in Bellary District. The Hyderabad Public Libraries Act, 1955 is in force in the Hyderabad Area. There are no corresponding enactments in the other areas in the State. Government in their order No. ED 52 TEL 61, dated the 11th September 1961 constituted a committee for drafting a Bill on public libraries with Dr. S. R. Ranganathan as Chairman. The Committee submitted its Report on 16th February 1963. The present Bill is based on the draft bill prepared by the Committee. This Bill is intended to bring about uniformity in the law relating to public libraries and enables the establishment and maintenance of a system of public libraries, and for the comprehensive development and organisation of city, rural, and other classes of library service in the State. The Bill provides, among other things, for the following, namely:—

(1) constitution of the Mysore State Library Authority;

(2) establishment of a Department of Public Libraries;

(3) constitution of local library authorities in the Cities and in the Districts;

(4) levy of Library cess;

(5) creation of a State Central Library by vesting the Bangalore Public Library in the State Central Library Authority.

Financial Memorandum.

The Library System of the State will be maintained—

(1) out of the Consolidated Fund of the State,

(2) from the 3 per cent cess collected;

(*a*) in the cities [clause 27 (i) (a)]

(i) on tax on lands and buildings,

(ii) from octroi (tax on entry of goods),

(iii) on tax on vehicles,

(iv) on tax on professions, trades, callings and employments,

(*b*) in the districts.—

(i) a cess of 3 P. on tax on lands and buildings [Clause 27 (1) (b)] and

(ii) 3 per cent grant of land revenue in the districts (Clause 28).

2. The following expenses shall be met from the Consolidated Fund of the State, namely :—

(*a*) Expenditure involved in maintaining the Department of Public Libraries with the State Librarian as its head, to be developed from the present nucleus of the Assistant Curator of Libraries and his staff;

(*b*) the State Library Service (Clause 15);

(*c*) the State Central Library;

(*d*) the Library Training School (Now it is a Plan item of Rs. 35,000, later on it will have to be carried over to normal budget), to be developed into an Institute in course of time;

(*e*) other ancilliary expenditure necessary for carrying out the objectives of the Act;

(*f*) grant-in-aid to the aided libraries, until such time as they get merged in the libraries maintained by the Library Authorities.

3. The present commitment of the State with regard to library service in the State is to the tune of Rs. 5 lakhs including the expenditure of about Rs. 2,20,000 spent for it by the Mysore State Adult Education Council, out of the lumpsum grant of about Rs. 5 lakhs paid to it. (This includes a *pro-rata* expenditure of Rs. 1,06,000 on staff salaries.) When the Act comes into force, the Council shall have to be divested of library service and these funds will have to be placed at the disposal of the Library Department.

4. The extra cost to Government during the next five years is estimated to increase gradually from Rs. 1 lakh in the initial year to Rs. 7 lakhs at the end rising by 1½ lakhs year after year. In this connection it is estimated that the expenditure on grant-in-aid which is about Rs. 1,20,600 (excluding the libraries under reference) will remain the same, and the expenditure on items (a)-(e) as also the expenditure on books for the State Central Library will go on increasing as a result of expansion and development of the State Library System and service. In the initial year, the additional one lakh (over and above the present provision of Rs. 1,50,000 for the six libraries) will be needed for:—

(*a*) building up the office of the State Librarian for the administrative work around the nucleus of the Assistant Curator's office, to a sufficient degree, strength and character in order to enable to cope with an entirely new situation under the law;

(*b*) strengthening the staff of the (Public Library) proposed State Central Library to enable it to assume the new role;

(*c*) purchasing books and other reading materials for the State Central Library;

(*d*) staffing these libraries as well as for applying the prescribed pay scales for the existing staff.

This process of extension and development will progress year after year and encompass the whole State. This accounts for the progressive increase in expenditure.

5. The funds raised by way of 3 P. cess on the specified taxes in the cities and 3 P. cess on tax on lands and buildings coupled with the 3 per cent land revenue in the respective districts will be utilised for maintaining the libraries, excluding the staff salary which is a direct charge on the State revenues. The funds will be utilised for acquiring books, periodicals, other kindred reading materials, binding and maintenance, furniture and equipments, rent on buildings and other contingent expenditure.

6. The total realisation by way of cess in the five cities is estimated to amount to Rs. 6,68,000 and the total for all the districts by way of cess and land revenue contribution will be Rs. 12,06,000 which would be utilised for these purposes

Memorandum Regarding Delegated Legislation.

Clause 5 empowers the State Government to prescribe the period within which a person may be elected from any of the bodies referred to in sub-clause (2) of clause 3, to be a member of the State Library Authority.

Sub-clause (3) of clause 9 empowers the State Government to prescribe conditions subject to which special meetings of the State Library Authority may be convened by the President.

Clause 10 empowers the State Government to prescribe the manner in which and the procedure in accordance with which the State Library Authority should transact business.

Sub-clause (1) of clause 14 empowers the State Government to prescribe the qualifications to practise the library profession which a whole time officer should have for being appointed as the State Librarian.

Sub-clause (2) of clause 15 empowers the State Government to make rules regulating the recruitment and conditions of service of members of the Mysore State Library Service.

Clause 19 empowers the State Government to prescribe the period within which any of the bodies referred to in clauses 17 or 18 should elect or nominate a person to be a member of the City Library Authority or the District Library Authority.

Sub-clause (1) of clause 24 empowers the State Government to prescribe the form and manner in which a Library Authority should prepare a Local Development Plan and the particulars which such plan should contain. Sub-clause (2) of the said clause empowers the State Government to prescribe the manner in which the salient features of every Local Development Plan shall be published.

Sub-clause (3) of clause 27 empowers the State Government to make rules indicating the modifications subject to

which the laws relating to the collection of the taxes referred to in paragraph (a) of sub-clause (1) of the said clause by the municipal corporation, municipal council or other municipal body, or the village panchayat or other local authority shall apply to the collection of the cess levied under paragraph (a) or paragraph (b) of sub-clause (1).

Sub-clause (2) of clause 28 empowers the State Government to prescribe the times at which and the manner in which the amount granted to a District Library Authority shall be credited to the Local Library Fund of the district.

Sub-clause (2) of clause 30 empowers the State Government to prescribe the manner in which the accounts shall be dealt with in all other respects other than those specified in the said sub-clause.

Sub-clause (2) of clause 31 empowers the State Government to prescribe the purposes other than those specified in the Act for which all property movable and immovable vesting in the State Library Authority under the said sub-clause should be applied.

Paragraph (a) of sub-clause (3) of clause 33 empowers the State Government to prescribe schemes of inter-library loans which should be implemented by the State Bureau of Inter-Library Loan. Paragraph (a) of sub-clause (4) of clause 33 empowers the State Government to prescribe the bibliographical work which the State Bibliographical Bureau should undertake. Paragraph x (a) of sub-clause (5) of the said clause empowers the State Government to prescribe schemes in accordance with which the State Bureau of Technical Service shall be maintained for centralised technical services.

Clause 36 empowers the State Government to prescribe the information and particulars which should be furnished along with the annual report of the progress made by the Local Library Authority prepared by the State Librarian in respect of each financial year.

Sub-clause (1) of clause 37 empowers the State Government to make rules to carry out the purposes of the

Act and the particular matters in respect of which rules may be made or specified in sub-clause (2) of the said clause. Sub-clause (3) of the said clause provides for rules made under the Act being laid before each House of the State Legislature and the rules so laid are subject to modifications to be made by the Houses of Legislature.

Under sub-clause (1) of clause 38, the Local Library Authority is empowered to make bye-laws with the previous sanction of the State Government generally to carry out the purposes of the Act and sub-clause (2) specifies the particular matters in respect of which bye-laws can be made. Under sub-clause (3) of the said clause, the State Government is empowered to prescribe the other manner in which a bye-law may be published in addition to being published in the official Gazette.

Sub-clause (4) of clause 41 empowers the State Government to prescribe the period within which an appeal may be preferred from the decision of the State Librarian to the Mysore State Revenue Appellate Tribunal.

Under clause 44, the State Government is empowered to make orders containing such provisions as appears to it to be necessary or expedient for removing any difficulty that may arise in giving effect to the Act.

Under paragraph (b) of sub-clause (1) of clause 45, the State Government is empowered to prescribe the purposes other than the purposes specified in the Act to which a property, movable and immovable vesting in the Mysore City Library Authority should be applied.

The proposed delegation of legislative power is of a normal character.

S. R. KANTHI.

G. S. VENKATARAMANA IYER,
Secretary.

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No. 129

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 4003/L.A., Bangalore-1, dated 6th June 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Bangalore University Bill, 1964** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE BANGALORE UNIVERSITY BILL, 1964.

Arrangement of Clauses

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THE BANGALORE UNIVERSITY BILL, 1964.

A Bill to establish and incorporate a federal University at Bangalore.

WHEREAS it is expedient to establish and incorporate a federal University at Bangalore for the encouragement of higher education and research in several branches of learning ;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement —(1) This Act may be called the Bangalore University Act, 1964.

(2) It extends to the whole of the State of Mysore,

(3) This section and sections 2, 9, 10, 11, 12, 13 and 14, sub-section (1) of section 52 and sections 62, 63, 64, 65, 66 and 71 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Government may by notification in the official Gazette appoint.

2. Definitions.—In this Act and in the Statutes, Ordinances, Regulations and Rules, unless the context otherwise requires,—

(1) "College" means an institution maintained by the University as such and includes an institution admitted to the privileges of the University as a Constituent College of the University in accordance with the provisions of this Act and the Statutes and ordinances ;

(2) "date of commencement of this Act" means the date appointed under sub-section (3) of section 1 ;

(3) "Government" means the State Government ;

(4) "Principal" means the Head of a College and includes the person for the time being acting in that capacity ;

(5) "registered graduate" means a graduate of the University registered under this Act ;

(6) "Statutes", "Ordinances", Regulations", and "Rules" mean respectively the Statutes, Ordinances, Regulations and Rules of the University made under this Act;

(7) "Teachers" includes Professors, Readers, Lecturers and other persons imparting instruction in the University or in any College ;

(8) "teachers of the University" means persons appointed or recognised by the University for the purpose of imparting instruction in the University or in any College ;

(9) "University" means the Bangalore University constituted under this Act ;

(10) "University Area" means the area of the Bangalore District (Urban) and includes such other area contiguous to such area as the Government may from time to time by notification in the Official Gazette specify.

CHAPTER II

THE UNIVERSITY.

3. Incorporation.—(1) The Chancellor and the Vice-Chancellor of the University, and the members of the Senate, the Syndicate and the Academic Council of the University are hereby constituted a body corporate by the name "The Bangalore University".

(2) The Bangalore University shall have perpetual succession and a common seal, with power, subject to the provisions of this Act and the Statutes, to acquire, hold and dispose of movable and immovable property, and to contract, and may by that name sue and be sued.

4. Powers of the University.—Subject to the provisions of this Act and such conditions as may be prescribed by the Statutes or Ordinances, the University shall have the following powers, namely :—

(i) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge ;

(ii) to hold examinations and to grant and confer degrees, diplomas and other academic distinctions on, persons who,—

(*a*) have pursued a course of study in the University or in any College unless exempted therefrom in the manner prescribed by the Statutes, Ordinances or Regulations, and have passed the examinations prescribed by the University; or

(*b*) have carried on research under conditions prescribed by the Statutes or Ordinances ;

(iii) to confer honorary degrees or other distinctions on persons in the manner laid down by the Statutes ;

(iv) to grant such diplomas to and to provide such lectures and instruction for persons not being enrolled students of the University, as the University may determine ;

(v) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;

(vi) to institute, suspend or abolish Professorships, Readerships, Lecturerships and any other teaching posts required by the University ;

(vii) to appoint or recognise persons as Professors, Readers or Lecturers, or otherwise as teachers of the University ;

(viii) to institute and award Fellowships, Travelling Fellowships, Scholarships, Studentships, Stipends, Medals and Prizes ;

(ix) to maintain and administer Colleges, Laboratories, Libraries, Museums, Herbaria, Printing Presses, Institutes of Research, and other institutions, necessary to carry out the objects of the University ;

(x) to establish, maintain and administer hostels ;

(xi) to supervise and control the residence and discipline of students of the University ;

(xii) to make arrangements for promoting the health and general welfare of the students of the University ;

(xiii) to fix fees, to demand and receive such fees and other charges as may be prescribed ;

(xiv) to make special arrangements in respect of residence, discipline and teaching of women students ;

(xv) to create administrative and ministerial and other necessary posts and to make appointments thereto ;

(xvi) to hold and manage any endowments, donations or funds which may become vested in the University for the purposes of the University, by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in any manner that may be deemed fit ;

(xvii) to undertake publications of works of merit and research and of general knowledge ;

(xviii) to organise, encourage, regulate and control University Unions pertaining to the students or to employees ;

(xix) to maintain—

(*a*) a Bureau of Information,

(*b*) an Employment Bureau,

(*c*) a Publications Department, and

(*d*) University Extension Boards ;

(xx) to admit educational institutions not maintained by the University to the privileges of the University as Constituent Colleges or to withdraw such privileges ;

(xxi) to make grants from the funds of the University —

(*a*) for extra-mural teaching,

(b) for physical and military training,

(c) for students' unions,

(d) for sports and athletic clubs, and

(e) for the maintenance of institutions or associations devoted to educational purposes.

(xxii) to provide through its Professors and other teachers,and the Departments and special research Institutes of the University, such teaching and guidance as the Constitutent Colleges may require ;

(xxiii) to borrow moneys with or without security for such purposes as may be approved by the Government, from the Central Government, any other Government, or the University Grants Commission or from any other incorporated body approved by the Government ;

(xxiv) to do all such other acts and things whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science and other branches of learning and culture.

5. Jurisdiction and admission to privileges.—(1) Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall be exercised in the University Area and no educational institution beyond the said area shall be associated with or admitted to any privileges of the University.

(2) Notwithstanding anything contained in any other law falling under List II of the Seventh Schedule to the Constitution, no educational institution within the University Area shall be associated in any way with or be admitted to any privileges of any other University incorporated by law and any such privileges granted by any such other University to any educational institution within the said Area prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act.

(3) With effect from the date of commencement of this Act, all educational institutions admitted to the privileges of the University of Mysore and situate within the

University Area shall be deemed to be admitted to the privileges of the University, and the University shall, as far as may be possible, and consistent with this Act, the Statutes, the Ordinances and Regulations, admit such institutions to all such privileges as they had from the University of Mysore immediately before such date.

(4) Nothing contained in sub-sections (1), (2) and (3) shall apply to the colleges referred to in section 7 of the University of Agricultural Sciences Act, 1963(Mysore Act 22 of 1963).

6. University open to all classes.—The University shall be open to all persons of either sex and of whatever race, creed, caste, or class, and it shall not be lawful for the University to impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or student, or to hold any office therein or to graduate thereat or to enjoy or exercise any privilege thereof, except in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument created by such benefaction:

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those who have consented to receive it.

7. Teaching of the University.—(1) All recognised teaching in connection with the University courses shall be conducted under the control of the Academic Council by teachers of the University and shall include lecturing, laboratory work and other teaching conducted in accordance with any syllabus prescribed by the Regulations.

(2) The authorities responsible for organising such teaching shall be prescribed by the Statutes.

(3) The courses and curricula shall be prescribed by the Ordinances and subject thereto, by the Regulations.

8. Inspection and control. (1) (a) The Government shall have the right to cause an inspection to be made, by such person or persons as it may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipment and any institution maintained, administered, recognised or approved by the University and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the University.

(b) The Government shall, in every case, give notice to the University of its intention to cause an inspection or enquiry to be made, and the University shall be entitled to be represented thereat and to be heard at such inspection or inquiry.

(2) (a) The person directed to make an inspection under sub-section (1) shall have access to the premises and institutions to be inspected and to all the accounts and other records relating to such premises and institutions.

(b) The person directed to make an inquiry under sub-section (1), shall for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure, 1908, in respect of the following matters :—

(i) discovery and inspection;
(ii) enforcing the attendance of witnesses;
(iii) compelling the production of documents;
(iv) examining witnesses on oath;
(v) reception of evidence taken on affidavits; and
(vi) issuing commissions for the examination of witnesses;

and may summon and examine *suo motu* any person whose evidence appears to him to be material, and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

(3) The Government may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate

to the Syndicate the views of the Government in respect of the action to be taken thereon by the University.

(4) The Syndicate shall communicate through the Vice-Chancellor to the Government such action, if any, as it has taken or it proposes to take upon the result of such inspection or inquiry.

(5) Where the Syndicate does not, within a reasonable time, take action to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made by the Syndicate issue such directions as it may think fit and the Syndicate shall be bound to comply with such directions.

(6) Without prejudice to the foregoing provisions of this section, the Government may, by order, published in the official Gazette, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances :

Provided that before making any such order the Government shall call upon the University to show cause why such an order should not be made, and, if any cause is shown within a reasonable time shall consider the same.

(7) The Syndicate shall furnish such returns, statements, accounts or other particulars relating to the administration of the University as the Government may from time to time require.

CHAPTER III.

OFFICERS OF THE UNIVERSITY.

9. Officers of the University.—The following shall be the Officers of the University :—

(a) The Chancellor,
(b) The Vice-Chancellor,
(c) The Registrar,
(d) The Bursar,
(e) Deans of Faculties, and
(f) such other persons in the service of the University as may be declared by the Statutes to be the Officers of the University.

10. The Chancellor.—(1) The Governor of Mysore shall by virtue of his office be the Chancellor of the University.

(2) The Chancellor shall be the Head of the University and shall exercise such powers as may be conferred on him by this Act, the Statutes, Ordinances and Regulations.

(3) He shall when present preside over the meetings of the Senate and the Convocations of the University.

11. The Vice-Chancellor.—(1) The Vice-Chancellor shall be a whole-time officer of the University.

(2) The Vice-Chancellor shall be appointed by the Chancellor from out of a panel of not less than three persons selected by a Committee constituted under sub-section (3).

(3) The Committee referred to in sub-section (2) shall consist of three persons of whom two shall be nominated by the Syndicate and one shall be nominated by the Chancellor. No person nominated as a member of the Committee shall be connected with the University or any College or Institution of the University or a Constituent College or other educational institution recognised by the University. The Chancellor shall appoint one of the three members to be the Chairman of the Committee:

Provided that if the Chancellor does not approve of any of the persons so recommended he may call for fresh recommendations from the Committee.

(4) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for reappointment.

(5) When any temporary vacancy occurs in the office of the Vice-Chancellor by reason of leave, illness or other cause, the Chancellor shall make such arrangements for carrying on the duties of the Vice-Chancellor as he may deem fit.

(6) The Vice-Chancellor shall be entitled to such emoluments, allowances and privilgees as may be determined by the Statutes.

12. Powers of the Vice-Chancellor.—(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general control over the affairs of the University. He shall exercise all powers necessary for the due maintenance of discipline in the University.

(2) He shall be the ex-officio Chairman of the Syndicate, the Academic Council, the Finance Committee and the Board of Appointments. He shall also preside over the Senate and at the Convocation in the absence of the Chancellor. He shall be entitled to be present at and to address any meeting of any authority or body of the University but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) The Vice-Chancellor shall ensure the observance of the provisions of this Act, the Statutes, Ordinances, Regulations and Rules and he shall have all powers necessary for that purpose.

(4) He shall have the power to convene meetings of the Senate, the Syndicate, the Academic Council, the Finance Committee and the Board of Appointments and shall perform all such acts as may be necessary to carry out and give effect to the decisions of the said authorities. He may, by order in writing, delegate the power of convening any of the said meetings to any other officer of the University.

(5) In case of any emergency which, in the opinion of the Vice-Chancellor, requires immediate action, he shall take such action as he deems necessary and shall, at the earliest opportunity thereafter, report his action to such officer, authority or body as would have in the ordinary course dealt with the matter :

Provided that if the action taken by the Vice-Chancellor is not approved by the authority concerned he may refer the matter to the Chancellor whose decision shall be final :

Provided further that if the decision taken by the officer, authority or body on the report of the Vice-Chancellor under this sub-section affects adversely any person in

the service of the University, that person shall be entitled to prefer an appeal to the Chancellor within thirty days from the date on which he receives the notice of the decision, and the decision of the Chancellor on such appeal shall be final.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, Ordinances and Regulations.

13. The Registrar.—(1) The Registrar shall be a whole-time salaried officer of the University appointed by the Syndicate in accordance with such terms and conditions as are prescribed by the Statutes.

(2) The Registrar shall be ex-officio Secretary of the Senate, the Syndicate, the Academic Council, the Faculties and the Board of Appointments.

(3) It shall be the duty of the Registrar,—

(*a*) to be the custodian of, the records, the common seal and such other property of the University as the Vice-Chancellor or the Syndicate shall shall commit to his charge ;

(*b*) to issue all notices convening meetings of the Senate, the Syndicate, the Academic Council, the Faculties, the Boards of Studies and of any Committees appointed by the Authorities of the University, and to keep minutes of all such meetings ;

(*c*) to conduct the official correspondence of the Authorities of which he is the Secretary ;

(*d*) to arrange for and superintend the examinations of the University ;

(*e*) to supply to the Chancellor and the Government copies of the agenda of the meetings of the Authorities of the University as soon as they are issued and the minutes of meetings of the Authorities, ordinarily within a month of the holding of the meeting.

(4) He shall exercise such other powers and perform such other duties as may be prescribed by the Statutes, Ordinances, Regulations or required from time to time by the Vice-Chancellor.

(5) He may be assisted in his duties by one or more Deputy Registrars to be appointed by the Syndicate.

14. The Bursar.—(1) The Bursar shall be a whole-time salaried officer of the University appointed by the Syndicate on such terms and conditions as may be prescribed by the Statutes.

(2) He shall be in overall control of the finances of the University and shall be directly responsible to the Vice-Chancellor. He shall also act as an adviser to the Vice-Chancellor in all matters relating to finance.

(3) He shall ex-officio be the Secretary of the Finance Committee.

(4) He shall perform such other duties as may be prescribed by the Statutes or required by the Vice-Chancellor.

15. Deans.—(1) Every Head of a Department of Studies who is a Professor shall, by rotation according to seniority, for a period of one year, act as the Dean of the Faculty :

Provided that if in any Faculty there is no Professor, the senior-most Reader shall act as the Dean and if there is no Reader, such teacher as the Vice-Chancellor may designate, shall act as the Dean.

(2) The Dean of each Faculty shall be the executive officer of the Faculty, and shall preside at its meetings.

(3) The Dean shall issue the lecture lists of the University in the Departments comprised in the Faculty, and shall be responsible for the conduct of teaching thereon.

(4) The Dean shall have such other powers and functions as may be prescribed by the Statutes and Ordinances.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY.

16. Authorities of the University.—The following shall be the Authorities of the University :—

(*a*) The Senate,
(*b*) The Syndicate,
(*c*) The Academic Council,
(*d*) The Finance Committee,
(*e*) The Boards of Studies,
(*f*) The Faculties, and
(*g*) such other bodies as may be declared by the Statutes to be the Authorities of the University.

17. The Senate.—(1) The Senate shall consist of the following members, namely :—

Class I—*Ex-Officio Members.*

(A) — (i) The Chancellor,
(ii) The Vice-Chancellor,
(iii) The Vice-Chancellor of the University of Mysore or an officer of the said University nominated in this behalf by the said Vice-Chancellor,
(iv) The Vice-Chancellor of the Karnatak University or an officer of the said University nominated in this behalf by the said Vice-Chancellor,
(v) The Vice-Chancellor of the University of Agricultural Sciences or an officer of the said University nominated in this behalf by the said Vice-Chancellor,
(vi) The Deans of Faculties,
(vii) The Registrar;

(B)—(i) The Secretary to the Government of Mysore, Education Department,

(ii) The Secretary to the Government of Mysore, Finance Department,

(iii) The Director of Industries and Commerce in Mysore,

(iv) The Director of Medical Services in Mysore,

(v) The Mayor, Municipal Corporation of the City of Bangalore,

(vi) The Director, Indian Institute of Science Bangalore,

(vii) The President, Kannada Sahitya Parishat, Bangalore,

(viii) The President, Mysore Chamber of Commerce, Bangalore.

(C)—The Members of the Syndicate.

(D)—The Principals of Constituent Colleges ;

Class II—Elected Members.

(i) Four Members elected by the Mysore Legislative Assembly from among its members,

(ii) Two Members elected by the Mysore Legislative Council from among its members,

(iii) Eighteen Members elected by Registered Graduates in the manner specified below :—

(*a*) three by Registered Law Graduates from among themselves.

(*b*) three by Registered Medical Graduates from among themselves,

(*c*) three by Registered Graduates in Engineering from among themselves,

(*d*) one by Registered Graduates in Commerce from among themselves.

(*e*) eight by Registered Graduates other than those specified in clauses (*a*) to (*d*) from among themselves :

Provided that for the purpose of election of members by the Registered Graduates, a person entitled to stand as a candidate or to vote in more than one constituency shall before such dates as may be appointed by the Statutes, elect the constituency from which he desires to stand as a candidate or to vote at the election, and shall not be entitled to stand or vote in more than one constituency ;

Class III—Nominated Members.

(A) Three persons nominated by the Government as specified below :—

(i) One member representing Industries in the University Area ;

(ii) Two members who shall be Headmasters of High Schools or Higher Secondary Schools within the University Area ;

(B) Five members nominated by the Chancellor, including persons interested in higher education and representatives of special interests ;

Class IV—Donor Members.

(i) Donors to the University of not less than one lakh of rupees shall be life members if willing to serve as such.

(ii) Donors to the University of not less than fifty thousand rupees shall be members for a period of four terms of the Senate from the date of donation.

(2) No employee of the University or a Constituent Collage shall be eligible to be chosen as a member of the Senate either by election or nomination.

18. Meetings of the Senate.—(1) A meeting of the Senate shall be held at least twice every year on dates to be fixed by the Vice-Chancellor with the approval of the Chancellor. One of such meetings shall be the annual meeting.

(2) A report of the working of the University during the previous year together with a statement of receipts and expenditure, the Financial Estimates and the last audit report shall be presented by the Syndicate at the annual meeting of the Senate convened under sub-section (1).

(3) The Vice-Chancellor may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than twenty-five members of the Senate, convene a special meeting of the Senate.

19. Powers and functions of the Senate.—(1) The Senate shall be the supreme authority of the University and shall have the power to review the action of the Syndicate and Academic Council save where the Syndicate or the Academic Council has acted in accordance with the powers conferred upon it under this Act, the Statutes, Ordinances or Regulations, and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes;

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be decided by the Chancellor and his decision shall be final.

(2) Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely :—

(*a*) to make Statutes and to amend or repeal the same;

(*b*) to prescribe the method of election to the authorities of the University and the procedure at the meetings of the Senate and other authorities and, to prescribe the quorum of members, if any, required for the transaction of business by the authorities;

(*c*) to consider and modify or cancel Ordinances in the manner prescribed;

(*d*) to make provision for instruction, teaching and training, in such branches of learning and courses of study as it may think fit;

(*e*) to make provision for research and for the advancement and dissemination of knowledge;

(*f*) to establish Institutes of Research, Libraries, museums and such other Institutions as may be necessary to secure the objects of the University and to equip, maintain and administer the same;

(*g*) to institute, suspend or abolish Professorships, Readerships, Lecturerships and other teaching posts in the University;

(*h*) to institute Fellowships, Travelling Fellowships, Scholarships, Studentships, Exhibitions, Medals and Prizes;

(*i*) to institute and to confer degrees, diplomas and other academic distinctions;

(*j*) to confer honorary degrees and other distinctions;

(*k*) to consider and pass resolutions on the Annual Report, Annual Accounts and Financial Estimates;

(*l*) to elect offiice bearers and authorities as provided in this Act and the Statutes;

(*m*) to institute in consultation with the Academic Council an Employment Bureau and an Information Bureau;

(*n*) to co-operate with other Universities and Organisations for promotion of educational, scientific and cultural activities in such manner and for such purposes as may be deemed desirable.

20. The Syndicate.—The Syndicate shall consist of the following persons, namely :—

(i) The Vice Chancellor,

(ii) The Director of Collegiate Education,

(iii) The Director of Public Instruction,

(iv) The Director of Technical Education,

(v) Two Deans, by rotation according to seniority, from among those who are not Principals of Colleges, for a period of two years,

(vi) Principals of four Colleges, including at least one Principal of Women's College, to be members by rotation according to seniority, for a period of two years,

(vii) Three members none of whom is employed in the University or in a Constituent College, elected by the Senate from among its members,

(viii) Two persons nominated by the Chancellor.

21. Powers of the Syndicate.—(1) Subject to the general directions of the Senate, the Syndicate shall have the management and administration of the revenue and properties of the University, the control of all administrative affairs of the University and the control over the institutions of the University.

(2) Subject to the provisions of this Act, the Statutes, and the Ordinaces, the Syndicate shall, in addition to all other powers vested in it, have the following powers, namely:—

(*a*) to appoint, from the time to time, the Registrar, the Bursar, Principals of Colleges and Institutions established or maintained by the University, and such Professors, Readers, Lecturers and other members of the teaching staff as may be necessary on the recommendations of the Boards of Appointments:

Provided that no action shall be taken by the Syndicate in respect of the number, qualifications and emoluments of teachers otherwise than after consideration of the recommendations of the Academic Council;

(*b*) to appoint members of the administrative staff of the University or to delegate the power of appointment to such authority or authorities or officer or officers as the Syndicate may, from time

to time, by resolution either generally or specially direct;

(*c*) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(*d*) to enter into, vary, carry out and cancel contracts on behalf of the University;

(*e*) to appoint examiners and moderators and if necessary to change or remove them and also to fix their fees, emoluments and travelling and other allowances;

(*f*) to make arrangements for the conduct of examinations;

(*g*) to receive, acquire, hold, control and administer the properties of the University, both movable and immovable and to invest the funds of the University;

(*h*) to borrow moneys from the Central Government, any other Government or the University Grants Commission or from any other incorporated body approved by the Government;

(*i*) to cause to be maintained proper accounts regarding the funds of the University and its properties;

(*j*) to prescribe, charge and collect fees—

(*a*) for Tuition and Research;

(*b*) for admission to the Examinations and to convocations;

(*c*) for such other services as the University may undertake to do;

(*d*) for admitting Colleges as Constituent Colleges and for inspection of Constituent Colleges and for the Registration of Graduates; and

(*e*) for such other purposes as may be prescribed by the Statutes.

(*k*) to prepare the financial estimates of the University and to submit the same to the Senate;

(*l*) to administer and control the Colleges, Hostels, Libraries, Laboratories, Museums and other Institutions established or maintained by the University;

(*m*) to admit Colleges as Constituent Colleges of the University,

(*n*) to recognise Hostels not administered by the University and to suspend or withdraw recognition,

(*o*) to supervise and control the residence and discipline of the students of the University and to makes arrangements for promoting their health and well-being;

(*p*) to constitute and regulate the working of an Employment Bureau and Bureau of Information;

(*q*) to delegate such of its functions to the Vice-chancellor as may be prescribed by the Statutes;

(*r*) to select a common seal for the University and to provide for its custody and use;

(*s*) to arrange for the conduct of litigations, for or against the University;

(*t*) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by this Act, the Statutes or the Ordinances.

22. Academic Council.—The Academic Council shall consist of the following persons, namely.—

(i) The Vice-Chancellor,

(ii) The Members of the Syndicate,

(iii) The University Librarian,

(iv) Deans of Faculties,

(v) Heads of Departments of Studies other than Deans of Faculties and Principals of Colleges,

(vi) Principals of Colleges other than Heads of Departments of Studies,

(vii) Five Teachers of the University elected from among themselves by the teachers, other than those falling under Clauses (iv) to (vi),

(viii) Three Headmasters of High Schools or Higher Secondary Schools within the University Area nominated by the Chancellor,

(ix) Three persons elected by the Senate from among its members,

(x) Three persons nominated by the Chancellor.

23 Powers of the Academic Council.—(1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance of the standards of instruction, education and examinations of the University.

(2) Without prejudice to the generality of the foregoing provision and subject to the conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers, namely:—

(a) to make proposals for Ordinances relating to academic matters;

(b) to make Regulations regarding the Courses of Study in so far as they are not covered by the Ordinances;

(c) to make regulations regarding the Schemes of Examinations and conditions on which the students shall be admitted to the Examinations, Degrees, Diplomas, Certificates or other academic distinctions;

(d) to declare the results of the various University Examinations, or to appoint Committees or Officers to do so;

(2) (*a*) Each Faculty shall consist of such Departments of Studies as may be assigned to it by the Ordinances.

(*b*) No Department of Studies shall be established or abolished except by Statutes.

(*c*) Each Department shall consist of the following members, namely ;—

(*i*) Teachers of the Department ;

(*ii*) Persons appointed to conduct research in the Department ;

(*iii*) Dean of the Faculty ;

(*iv*) Honorary Professors, if any, attached to the Department ;

(*v*) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

(*d*) Each Department shall have a Head who may be a Professor or, if there is no Professor, a Reader and whose duties and functions and terms and conditions of appoiment shall be prescribed by the Ordinances :

Provided that if there are more Professors or, as the case may be, Reader than one in any Department, no person shall be appointed to be the Head of any Department except in accordance with the provisions made in this behalf by the Ordinances :

Provided further that if there is no Professor or Reader in a Department, the Dean of the Faculty concerned shall be the Head of that Department.

(3) Each Faculty shall consist of the following members, namely :—

(i) Dean of the Faculty ;

(ii) Heads of Departments of Studies in the Faculty ;

(iii) All Professors in the Faculty ;

(iv) One Reader and one Lecturer by rotation according to seniority for a period of two years, from each Department in the Faculty ;

(v) One teacher concerned by rotation according to seniority for a period of two years, from each College :

Provided that the college provides instruction in any of the subjects assigned to the Faculty ;

(vi) such other persons as may be specified by the Statutes.

(4) The Faculties shall exercise such powers and perform such functions as may be prescribed by the Statutes.

25. Boards of Studies.—(1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Ordinances.

(2) The constitution, function and powers of the Boards of Studies shall be as prescribed by the Statutes.

26. Finance Committee.—(1) There shall be a Finance Committee consisting of the following members, namely.—

(i) The Vice-Chancellor ;

(ii) One member elected by the Syndicate ;

(iii) Two members elected by the Senate ;

(iv) The Registrar ;

(v) One officer of the Department of Finance of the Government, nominated by the Chancellor.

(2) The Finance Committee shall exercise such powers and such functions as may be prescribed by the Statutes.

27. Boards of Appointments.— (1) There shall be Boards of Appointments, for the purpose of making selections for appointment as Professors, Readers and Lecturers in the University Service, and for the purpose of making selections for recognising teachers of Constituent Colleges as Professors, Readers and Lecturers.

(2) When selection for appointments of Professors and Readers for any subject in the University Service is made, the Board shall consist of—

(*i*) The Vice-Chancellor who shall ex-officio be the Chairman ; and

(*ii*) Two persons, not connected with the University, who have expert knowledge in the subject preferably in the branch of specialisation, nominated by the Syndicate from out of a panel of experts suggested by the Department of Studies concerned.

(3) When selection for appoinments of Lecturers for any subject in the University Service is made, the Board shall consist of—

(*i*) The Vice-Chancellor who shall ex-officio be the Chairman ;

(*ii*) The Head of the Department concerned ;

(*iii*) Two persons at least one of whom is not connected with the University, who have expert knowledge in the subject preferably in the branch of specialisation, nominated by the Syndicate from out of a panel of experts suggested by the Department of Studies concerned.

(4) When selection for recognition of a teacher of a Constituent College as a Professor, Reader or Lecturer is made, the Board shall consist of—

(*i*) The Chairman of the Governing, body of the College who shall ex-officio be the Chairman of the Board ;

(*ii*) The Principal of the College ;

(*iii*) The Head of the Department concerned of the college, if he is a Professor in the subject, or one person who has expert knowledge in the subject nominated by the Governing body of the College ;

(*iv*) The Head of the Department concerned of the University ;

(*v*) One person who has expert knowledge in the subject preferably in the branch of specialisation nominated by the Syndicate :

Provided that in the case of a Constituent College which is a Government College the Chairman shall be the Director of Collegiate Education or the Director of Technical Education, or the Director of Medical Services, as the case may be, in charge of the college.

(5) (*a*) The Board of Appointments shall consider and submit to the Syndicate recommendations as to the selections referred to it.

(*b*) If the Syndicate considers that recommendations of the Board are not acceptable, it shall record its reasons and submit the case to the Chancellor for orders, and the orders of the Chancellor thereon shall be final.

28. Other Boards.—(1) The University—

(*a*) shall establish a Board for selection of Examiners, and

(*b*) shall have power to establish—

(*i*) a Board for Extra-mural Studies,

(*ii*) a Board for Students' Welfare, and

(*iii*) such other Boards as may be prescribed by the Statutes.

(2) The constitution, functions and powers of the Boards established under sub-section (1) shall be as prescribed by the Ordinances.

29. Term of Office of members of the Senate, Syndicate and Academic Council.—Save as otherwise provided in this Act, the Senate, the Syndicate and the Academic Council shall be reconstituted at or about the same time every three years, and members of the said authorities shall except in the case of ex-officio or donor members hold office as members thereof up to the date of next reconstitution.

30. Method of election of members to the Senate, the Syndicate and the Academic Council.—In case of elected members of the Senate, Syndicate and the Academic Council, the method of election shall be as prescribed in the Statutes.

CHAPTER V

STATUTES, ORDINANCES, REGULATIONS AND RULES.

31. Statutes.—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :--

(*a*) the constitution, functions and powers of the authorities of the University and such other bodies as may be declared to be authorities of the University from time to time;

(*b*) the election and continuance in office of the members of the said authorities or bodies, including the continuance in office of the first Members and the filling of vacancies of members and all other matters relating to those authorities or bodies of which it may be necessary or desirable to provide ;

(*c*) the appointment, conditions of service, powers and duties of the officers, teachers and other employees of the University ;

(*d*) the conferment of Honorary Degrees ;

(*e*) holding of Convocations for conferring Degrees and Diplomas ;

(*f*) the withdrawal of degrees, diplomas, certificates and other academic distinctions ;

(*g*) the establishment, maintenance and abolition of Faculties, Departments, Hostels, Colleges and Institutions ;

(*h*) the conditions under which Colleges may be admitted to the privileges of the University and under which such privileges may be withdrawn ;

(*i*) the institution of Fellowships, Scholarships Studentships, Exhibitions, Medals and Prizes;

(*j*) the procedure of election to the authorities and the procedure to be followed at meetings of such authorities or bodies including the quorum for the transaction of the business by them;

(*k*) the classification of teachers of the University and in the Constituent Colleges;

(l) the institution of Pension or Provident Fund or Gratuity Fund for the benefit of employees of the University and the payment of compassionate gratuity or allowance to such of the emloyees of the University as are not eligible for the benefit of any pension and payment of compassionate gratuity to the dep ndents of deceased employees;

(m) acceptance and management of bequests, donations and endowments;

(n) the registration of Graduates and maintenance of the Register of Registered Graduates of different classes; and

(o) all other matters which by this Act are to be or may be provided for by the Statutes.

32. Statutes-how made —(1) The first Statutes of the University shall be made by the Government, by notification in the official Gazette, and shall continue in force until amended or superseded by Statutes made by the Senate in accordance with the provisions of this section.

(2) The Senate may, from time to time, make new or additional Statutes or may amend or repeal Statutes in the manner hereinafter provided.

(3) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal of the Syndicate.

(4) The draft proposed by the Syndicate shall be considered by the Senate at its next meeting. The Senate may approve such draft and pass it or reject it or return it

to the Syndicate for reconsideration either in whole or in part together with any amendment which the Senate may suggest.

(5) After any draft returned under sub-section (4) has been further considered by the Syndicate together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon and the Senate may then deal with the draft in such manner as it thinks fit.

(6) No Statute affecting the powers or duties of any Authority or Officer ef the University shall be considered by the Senate unless the draft of such Statute is referred by the Vice- Chancellor to such Authority or Officer for expressing its or his views thereon within such period as may be specified in the reference or within such further period as the Vice-Chancellor may allow and the period so specified or allowed has expired.

(7) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it backto the Senate for reconsideration with such observations as he may make.

(8) No Statute passed by the Senate shall have validity until assented to by the Chancellor and it shall come into force on the date of publication in the official Gazette or such other date as the Chancellor may fix.

33. Ordinances.—Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters:—

(*a*) admission of students to the University and their enrolment as such;

(*b*) Courses of Study for all Degrees, Diplomas and Certificates of the University;

(*c*) Degrees, Diplomas and Certificates and other academic distinctions to be awarded by the University, the qualifications for the same and the means to be taken relating to the granting and obtaining the same;

(*d*) fees to be charged for the Courses of Study in the University and for admission to the examinations, degrees and diplomas of the University;

(*e*) conditions relating to the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*f*) conduct of examinations including the terms of office, manner of appointment and the duties of examining bodies, examiners and moderators;

(*g*) conditions of residence of students of the University;

(*h*) special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing for them of special Courses of Study where necessary;

(*i*) giving of religious instruction;

(*j*) emoluments, terms and conditions of service of teachers of the University in so far as they are not provided for by the Statutes;

(*k*) management of Colleges and other institutions founded or maintained by the University;

(*l*) supervision and inspection of Colleges and other institutions admitted to the privileges of the University;

(*m*) fees to be charged for the services rendered by the University;

(*n*) conditions for recognition of hostels not maintained by the University;

(*o*) health and discipline of students in the University and in the Constituent Colleges and other institutions;

(*p*) rules to be observed and enforced by the Colleges and recognised institutions in respect of transfer of students; and

(*q*) all other matters which by this Act or by the Statutes are to be or may be provided for by the Ordinances.

34. Ordinances—how made.—(1) In so far as they are not inconsistent with the provisions of this Act and the Statutes, the Ordinances of the University of Mysore as in

force immediately before the commencement of this Act, shall be deemed to be Ordinances made under this Act and shall continue to be in force until they are amended, repealed or added to, in accordance with the provisions of this section.

(2) The Syndicate shall have power to make the Ordinances in the manner hereinafter provided.

(3) In making Ordinances, the Syndicate shall consult—

(*a*) the Board or Boards of Studies concerned when such Ordinances affect the appointment and duties of Examiners; and

(*b*) the Academic Council when such Ordinances affect the Courses of Study, Conduct or Standard of Examination or the conditions of residence of students.

(4) Every Ordinance made by the Syndicate shall be submitted to the Chancellor and shall be placed before the Senate at its next meeting. The Senate shall have power to cancel or to refer back any such Ordinance by a resolution passed by a majority of the total membership of the Senate and by a majority of not less than two-thirds of the members of the Senate present and voting. An Ordinance cancelled by the Senate shall from the date of the passing of such resolution cease to have effect.

(5) The Syndicate shall not have power to amend any draft of an Ordinance proposed by the Academic Council but it may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with such amendments as the Syndicate may suggest.

(6) When the Syndicate has rejected the draft of an Ordinance proposed by the Academic Council, it may appeal to the Chancellor who may direct that the Ordinance shall be laid before the next meeting of the Senate for its approval and he may further direct that pending such

approval the Ordinances shall have effect from such date as may be specified in his order:

Provided that if the Ordinance is not approved by the Senate at such meeting it shall cease to have effect.

(7) The Chancellor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Senate, whichever period expires latter.

(8) The Chancellor may, at any time after an Ordinance has been considered by the Senate, signify to the Syndicate his disallowance of such Ordinance and from the date of receipt by the Syndicate of intimation of such disallowance such Ordinance shall cease to have effect.

(9) Save as provided in sub-sections (6), (7) and (8), all Ordinances shall have effect from the date of their publication in the official Gazette or such other date as the Syndicate may direct.

35. Regulations.—(1) In so far as they are not inconsistent with or repugnant to the provisions of this Act and the Statutes, the Regulations of the University of Mysore as in force immediately before the commencement of this Act, shall be deemed to be the Regulations made under this Act and shall continue to be in force unless and until they are amended, repealed or added to, in accordance with the provisions of this section.

(2) The Academic Council may, subject to the approval of the Syndicate, make Regulations consistent with this Act, the Statutes and the Ordinances.

(3) The Regulations may provide for exercising all or any of the powers enumerated in section 23 and particularly for the following matters, namely:—

(a) admission of students to the University;

(b) recognition of examinations and degrees of other Universities as equivalent to the examinations and degrees of the University;

(c) the University Courses and Examinations and conditions on which students of the University or the Constituent Colleges or of other University Institutions shall be admitted to examinations, or degree, diplomas and certificates of the University;

(d) the granting of exemptions.

(4) Every Regulation shall come into force on the date of its publication in the official Gazette or such other date as the Syndicate may direct.

36. Rules.—(1) Any authority of the University specified in clauses (d) to (g) of section 16 and any other Board of the University may, subject to the approval of the Syndicate, make rules consistent with this Act, the Statutes, the Ordinances and the Regulations.

(2) The Rules may provide for—

(a) the giving of notice to the members of each authority or Board of the dates of meetings and of the business to be transacted at the meetings and also for keeping a record of the proceedings of meeting;

(b) the procedure to be followed at their meetings and number of members required to form the quorum for meetings; and

(c) all matters solely concerning such authoritiy or Board and not provided for by this Act, the Statutes, the Ordinances or the Regulations.

(3) The Syndicate may refuse to approve the rules submitted or may return them to the Authority or Board concerned for further consideration or may approve the Rules without modification or subject to such modifications as the Syndicate deems fit.

(4) Every rule made under this section shall come into force on the date of its publication in the official Gazette or such other date as the Syndicate may direct.

CHAPTER VI

FINANCE AND ACCOUNTS

37. University Funds.—(1) The amounts received from any of the following sources shall form part of the University Fund,—

(*a*) any contribution or grant made by the State Government;

(*b*) any contribution or grant made by the University Grants Commission or by the Central Government;

(*c*) any bequests, donations, endowments or other grants made by private individuals or institutions;

(*d*) the income received by the University from fees and charges;

(*e*) the amounts borrowed by the University; and

(*f*) the amounts received from any other source.

(2) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or the Fund may be invested in securities authorised by the Indian Trusts Act, 1882, as may be decided by the Syndicate.

(3) The Fund may be employed for any of the purposes of the University in the manner prescribed.

38. Power to borrow.—The University may, with the previous sanction of the Government as regards the purpose and amount of loan and subject to such conditions as may be specified by the Government as to security, the rate of interest and the repayment of principal and interest, borrow any sum of money from the Central Government, any other Government, the University Grants Commission or any other incorporated body.

39. Annual Accounts and Audit.—(1) The annual accounts of the University shall be prepared under the direction of the Syndicate and a copy shall be sent to the Government.

(2) The accounts of the University shall, once at least in a year at intervals of not more than fifteen months, be audited by the Controller of State Accounts.

(3) The audited accounts of the University together with the Auditor's report shall be published by the Syndicate in the official Gazette and copies thereof shall be placed before the Senate.

(4) The annual accounts shall be considered by the Senate at its annual meeting. The Senate may pass resolutions with reference thereto and communicate the same to the Syndicate. The Syndicate shall take the suggestions made by the Senate into consideration and take such action thereon as it thinks fit. The Syndicate shall inform the Senate at its next meeting of the action taken by it, or of the reasons for not taking action.

40. Financial Estimates.—(1) The Syndicate shall prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year and place the same before the Senate.

(2) The Syndicate may, in case where expenditure in excess of the amount provided in the Budget is to be incurred or in case of urgency for reasons to be recorded in writing, incur any expenditure for which the provision made in the Budget is insufficient or where no provision has been made. In respect of such excess expenditure a report shall be made to the Senate at its next meeting.

41. Power of Government to direct audit.—The Government shall have power when deemed necessary to order an audit of the accounts of the University including those of the institutions managed by it by such auditors as it may direct.

42. Annual Report.—(1) The Syndicate shall prepare the Annual Report containing such particulars as the Government may specify, covering each financial year and submit it to the Senate on or before such date as may be prescribed by the Statutes. The Senate may pass resolutions thereon and the Syndicate shall take action in accordance therewith. The action taken shall be intimated to the Senate.

(2) Copies of the Annual Report along with the resolution of the Senate thereon shall be sent to the Government, and shall be laid before both Houses of the State Legislature

CHAPTER VII

VACANCIES IN THE AUTHORITIES AND ELECTIONS

43. Vacating of Office.—(1) Any member other than an *ex-officio* member of any authority or body of the University may resign his office by a letter addressed to the Registrar and the resignation shall take effect on receipt of the letter by the Registrar.

(2) A person who is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold office so long only as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

(3) A member of any authority or body of the University shall cease to be a member on his being convicted by a court of law for any offence which involves moral turpitude.

44. Filling of casual vacancies.—When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the normal term of office of such member, the vacancy shall be filled up as soon as conveniently may be, by election, nomination or appointment, as

the case may be, of a member who is otherwise eligible for that office, and such member shall hold office so long only as the member in whose place he has been elected, nominated or appointed, would have held it if the vacancy had not occurred;

Provided that if a vacancy be of an elected member of the Senate or of the Academic Council and occurs within six months preceding the date on which the term of office of such member expires, the vacancy may not be filled.

45. Disputes regarding membership.—(1) If any question arises whether any person has been duly elected or appointed as or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor.

(2) The decision of the Chancellor on that question shall be final and shall not be called in question in any court of law.

CHAPTER VIII

OFFICERS AND SERVANTS OF THE UNIVERSITY

46. Conditions of service.—Save as otherwise provided in any contract entered into under section 47, the terms and conditions of service of officers and servants of the University shall be regulated by Ordinances made in this behalf.

47. Contracts.—Save as otherwise provided by or under this Act, every salaried officer or teacher of the University shall be appointed under a written contract. The contracts shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned, provided that the contract relating to the Registrar shall be lodged with the Vice-Chancellor.

48. Pension, Insurance and Provident Funds.—The University shall constitute for the benefit of its officers, teachers, clerical staff and servants such Pension, Insurance and Provident Funds as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

CHAPTER IX

CONSTITUENT COLLEGES

49. Admission as Constituent Colleges.—(1) Colleges within the University Area may be admitted to such privileges of the University as Constituent Colleges as the Chancellor may decide on satisfying the conditions specified in this section.

(2) Every such college shall have a duly constituted Governing body consisting of not more than twenty persons approved by the Syndicate and including among others, at least two representatives of the University and at least three representatives of the teaching staff, of whom the Principal of that college shall be one :

Provided that a college maintained by the Government shall have an Advisory Committee consisting of such number of members not exceeding twenty as the Government may determine of whom at least three shall be teachers in the college including the Principal, and two shall be representatives of the University.

(3) Every such college shall also satisfy the Syndicate,—

(*a*) that the accommodation for the college and the equipment for teaching are suitable and adequate;

(*b*) that the strength and qualification of the teaching staff and the conditions governing their tenure of office are such as to make due provision for

the courses of instruction, teaching or training to be undertaken by the college,

(*c*) that adequate arrangements will be made for the welfare, discipline and supervision of its students;

(*d*) that the financial resources of the college are such as to enable due provision being made for its continued maintenance and efficient working and

(*e*) that provision has been made for such other matters as are in the opinion of the Syndicate necessary for the maintenance of the standards of the University education.

(4) Appointments to the teaching staff of the college shall be made only on the recommendation of the Board of Appointments constituted under sub-section (1) of section 27.

(5) No college shall be admitted to any privileges of the University except on the recommendation of the Academic Council made after considering the report of a Committee of inspection appointed for the purpose by the Academic Council.

(6) A college desirous of admission to the privileges of the University may make an application to the Registrar within such period as may be specified in the Ordinances.

(7) Subject to the conditions specified in this section and section 51 the Ordinances may prescribe such other conditions which may be deemed necessary, and also the procedure for the admission of colleges to the privileges of the University and for the withdrawal of those privileges.

50. Inspection.—(1) Every Constituent College shall be inspected at least once every year by a Committee appointed by the Academic Council and the report of the said Committee shall be submitted to the Academic Council which shall send the report with its recommendations to the Syndicate. The Syndicate shall consider such report

and the recommendations, if any, of the Academic Council, and forward a copy of the report to the Governing body of the college along with such remarks, as it deems fit, for necessary action.

51. Withdrawal of privileges.—The Chancellor may, on the recommendation of the Syndicate, and after consulting the Academic Council, withdraw any privileges granted to a college if he considers that the college is not fulfilling the requisite conditions :

Provided that before any recommendation for the withdrawal of any privileges is made the Governing body shall be given an opportunity to represent to the Syndicate why such recommendation should not be made.

CHAPTER X

Enrolment and Degrees.

52. Eligibility for Admission of Students.- No student shall be eligible for admission to a course of study for a degree or diploma unless he possesses such qualifications as may be prescribed.

53. Residence of Students.—Every student of the University shall reside in a hostel recognised by the University or under such conditions as may be prescribed by the Ordinances.

54. Honorary Degrees —If not less than two-thirds of the members of the Syndicate recommend that an Honorary Degree or academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent attainments and position, fit and proper to receive such degree or academic distinction, the Senate may by a resolution decide that the same may be conferred on the person recommended.

55. Withdrawal of Degree or Diplomas.—(1) The Senate may on the recommendation of the Syndicate withdraw any distinction, degree, diploma or privilege conferred on or granted to any person, by a resolution passed by a majority of the total membership of the Senate and by a majority of not less than two-thirds of the members of the Senate present and voting at the meeting, if such person has been found convicted by a Court of Law for an offence which, in the opinion of the Senate, involves moral turpitude, or if he has been guilty of gross misconduct.

(2) No action under this section shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) A copy of the resolution passed by the Senate shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision taken by the Senate may appeal to the Chancellor within thirty days from the date of receipt of such resolution.

(5) The decision of the Chanceller on such appeal shall be final.

CHAPTER XI

MISCELLANEOUS AND TRANSITORY PROVISIONS

56. Discipline.—(1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice-Chancellor. His directions in that behalf shall be carried out by the Heads of Colleges, Hostels and other institutions.

(2) Notwithstanding anything contained in sub-section (1), the punishment of debarring a student from examinations or rustication from a college or Hostel shall, on the report of the Vice-Chancellor, be considered and imposed by the Syndicate :

Provided that no such punishment shall be imposed without giving to the student concerned a reasonable

opportunity to show cause against the action proposed to be taken against him.

57. Seniority.—(1) Whenever, in accordance with this Act or the Statutes any person is to hold an office or be a member of any Authority or body of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade or post, as the case may be, and in accordance with such other principles as the Syndicate may, from time to time, specify.

(2) The Registrar shall prepare and maintain, in respect of each class of persons to whom this section applies, a complete and up-to-date seniority list in accordance with the provisions of sub-section (1).

(3) If two or more persons have equal length of continuous service in a particular grade or post, or the relative seniority of any person or persons is otherwise in doubt, the Registrar may *suo motu* and shall, at the request of any such person, submit the matter to the Syndicate and the decision of the Syndicate thereon shall be final.

58. Validity of proceedings, etc.—(1) No disqualification of or defect in the election or appointment of any person as a member of any Authority or body or the University shall be deemed to vitiate any act or proceeding of such Authority or body in which such person has taken part, whenever the majority who were parties to such act or proceeding were entitled to act.

(2) No resolution of any Authority or body of the University shall be deemed invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such Authority or body were not prejudicially affected by such irregularity.

(3) During any vacancy in any Authority or body of the University, the continuing members may act as if no vacancy had occurred.

(4) No act done or proceeding taken under this Act shall be questioned on the ground merely of any defect or irregularity not affecting the merits of the case.

59. Act to prevail over other enactments.—This Act and any Statute, or Regulations Ordinance made thereunder shall in respect of any college in the University Area have effect notwithstanding anything inconsistent therewith contained in any other enactment with respect to matters enumerated in List II of the Seventh Schedule to the Constitution of India or in any instrument having effect by virtue of any such other enactment or in the rules, regulations, bye laws or other provisions applicable to the society, association or other body maintaining such college.

60. Protection of acts and orders done in good faith —No suit or other legal proceeding shall lie against, and no damages shall be claimed from, the University or its authorities, bodies or officers for anything which is in good faith done or intended to be done in pursuance of this Act, the Statutes, Ordinances, Regulations or Rules made thereunder.

61. Completion of Courses by students in colleges affiliated to the University of Mysore.—Notwithstanding anything contained in this Act or the Statutes, Ordinances, Regulations and Rules made thereunder any student of a college situate within the University Area and previously affiliated to the University of Mysore who immediately before the date of commencement of this Act was studying or was eligible for any examination of the University of Mysore shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be determined by the Chancellor for the instruction, teaching, training and examination of such student in accordance with the courses of study of the University of Mysore.

62 Appointment of Vice Chancellor. -Notwithstanding anything contained in section 11, the first Vice Chancellor shall be appointed by the Chancellor as soon as practicable

after the passing of this Act, for a period not exceedigng three years and on such terms and conditions as the Chancellor thinks fit.

63. Appointment of first Registrar and first Bursar.—Notwithstanding anything contained in sections 13 and 14, the first Registrar and the first Bursar shall be appointed by the Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the Government thinks fit.

64. Transitory powers of the first Vice-Chancellor.—(1) It shall be the duty of the first Vice-Chancellor—

(*a*) to recommend to the Chancellor to admit to the privileges of the University any college or extend any privilege already granted, as far as possible consistently with the provisions of section 49, and

(*b*) to make arrangements for constituting the Senate, the Syndicate, the Academic Council and other Authorities of the University,

within six months after the date of his appointment or such longer period not exceeding one year as the Government may, by notification in the official Gazette, direct.

(2) The first Vice-Chancellor shall with the assistance of the Advisory Committee consisting of not more than fifteen members nominated by the Government—

(*a*) subject to the provisions of the Act and the approval of the Chancellor, make rules that may be necessary for regulating the method of election to the aforesaid Authorities,

(*b*) frame the first Regulations under this Act.

(3) The Authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the Government may, by notification in the official Gazette, direct.

65. First appointment of the officers and teachers of the University.—(1) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

(*a*) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(*b*) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Collegiate Education and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(2) Any appointment made under sub-section(1),shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit to specify;

Provided that no such appointment shall be made until financial provision has been made therefor.

66. Extraordinary powers of the first Vice-Chancellor.—The Vice-Chancellor appointed undersection 64 shall have powers until the Syndicate commences to exercise its functions—

(*a*) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes,

(*b*) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(*c*) subject to the control of the Government to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(*d*) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force,

(*e*) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(*f*) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

67. Transfer of the Engineering College to the University.—(1) Notwithstanding anything contained in the Mysore University Act, 1956, (Mysore Act 23 of 1956), with effect from the date of commencement of this Act, the Mysore University Engineering College, Bangalore, shall stand transferred to the University and shall be a University College from such date.

(2) With effect from such date, the following consequences shall ensue, namely :—

(i) all assets and liabilities appertaining to the said college shall stand transferred to and vest in the University;

(ii) the service of every teacher or other employee of the University of Mysore or of the Government employed wholly or mainly in connection with the said college shall be temporarily lent to the University for a period not exceeding one year under the same terms and conditions of service applicable to such teacher or other employee before the date of the said transfer.

(3) (*a*) Subject to the provisions of the Statutes and Ordinances, such of the teachers and other employees of the University of Mysore as may be allocated to the Bangalore University by an Allocation Committee consisting of the Vice-Chancellor of the Bangalore University and the

Vice-Chancellor of the University of Mysore, shall be absorbed in the service of the Bangalore University.

(*b*) Any person aggrieved by any decision of the Allocation Committee under clause (a), may appeal to the Chancellor within thirty days from the date of receipt of the order of the Committee and the decision of the Chancellor on such appeal shall be final.

68. Transfer of Government Colleges to the University.— (1) The Government may at any time and after consulting the Vice-Chancellor, by notification in the official Gazette, transfer any Government College to the University and from the date of such transfer, the said college shall be a University College.

(2) When any Government College is transferred to the University under sub-section (1), with effect from the day on which such transfer takes place, the following consequences shall ensue, namely :—

(i) all assets and liabilities appertaining to the said college shall stand transferred to and vest in the University :

(ii) the service of every teacher or other employee of the Government employed wholly or mainly in connection with the said college shall be temporarily lent to the University for a period not exceeding one year under the same terms and conditions of service applicable to such teacher or other employee before the date of the said transfer.

(3) (*a*) Subject to the provisions of the Statutes and Ordinances, such of the teachers and other employees of the Government as may be allocated to the University by an Allocation Committee consisting of the Vice-Chancellor, as Chairman, the Director of Collegiate Education and the Secretary to the Government of the Education Department, as Members shall be absorbed in the service of the University:

Provided that no person allotted or deemed to be allotted to serve in connection with the affairs of the State

of Mysore under section 115 of the States Reorganisation Act, 1956, (Central Act 37 of 1956) shall be allocated to the University without the consent of such person.

(*b*) Any person aggrieved by any decision of the Allocation Committee under clause (*a*), may appeal to the Chancellor within thirty days from the date of receipt of the order of the Committee, and the decision of the Chancellor on such appeal shall be final.

69. Provision for protection of allocated employees.— Every person who is allocated under section 67 or 68 to serve under the University shall be entitled to the same conditions of service as were applicable to him before such allocation, unless and until such conditions are alterated with the consent of such person or with the approval of the Government.

70. Provision relating to Colleges affiliated to the University of Mysore.—(1) Every College in the University Area affiliated to the University of Mysore shall, within a period of one year from the date of commencement of this Act, comply with provisions of section 49, and on the Chancellor being satisfied that the College can be admitted to the privileges of the University as a Constitutent College, the Chancellor may admit such college to such privileges, and where any college does not comply with the provisions of section 49 and satisfiy the Chancellor as aforesaid the said College shall on the expiry of the period of one year notwithstanding anything contained in any order of affiliation made under the Mysore University Act, 1956, or section 5, cease to have any privileges of the University.

(2) Where any college is admitted to the privileges of the University as a Constituent College under sub-section (1), such teachers of the said college as may be approved by the University in consultation with the Board referred to in sub-section (4) of section 27, shall be continued as teachers in such college.

(3) Where any teacher of a College is not approved by the University under sub-section (2), such teacher shall be retired from service or employed in any other capacity by the governing body of the College and notwithstanding any contract or anything contained in any provision of law for the time being in force, any such teacher shall not be entitled to any damages or compensation in respect of such retirement, but shall be entitled to all benefits of retirement for the period of service rendered by him till the date of retirement.

71. Removal of difficulties.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government may, by order published in the official Gazette, make such provisions as appears to it to be necessary or expedient,—

(*a*) for bringing the provisions of this Act into effective operation;

(*b*) for removing difficulties arising in connection with the first constitution of any authority of the University or otherwise in giving effect to the provisions of this Act.

(2) Any order under sub-section (1) may be either prospective or retrospective in operation as may be specified in such order.

(3) All orders made under sub-section (1) shall be laid before both Houses of the State Legislature and shall subject to any such modificatious as the State Legislature may make during the session in which they are so laid, have effect as if enacted in this Act.

72. Amendment of Mysore Act 23 of 1956.—In the Mysore University Act, 1956,—

(i) in section 5, clause (iii) shall be omitted;

(ii) for the Schedule, the following Schedule shall be substituted, namely :—

"SCHEDULE

[*See* section 2 (k–1)]

Madras Area, Coorg District and Mysore Area excluding the University Area as defined in the Bangalore University Act, 1964"

Statement of Objects and Reasons

The University Grants Commission appointed a Committee in September 1961 to examine the question of the establishment of new Universities during the Third Plan period and to suggest the broad outlines of a plan for the next few years, after reviewing *inter-alia*, the needs for higher education and the resources likely to be available for the purpose. This Committee has submitted an interim report. In the course of the interim report, the Committee had observed that Bangalore would be one of the most suitable places in the country for the establishment of a New University of federal type, as Bangalore fulfils practically every condition essential for such a federal University.

In view of the recommendation referred to above, Government of Mysore decided to examine the possibilities of establishing a new University of a federal or unitary type in Bangalore City and accordingly appointed a Committee in August 1962 to suggest to Government ways and measures for establishing a federal or unitary type of University at Bangalore as contemplated in the interim report of the "Committee on new Universities" appointed by the University Grants Commission.

In its report submitted to Government, the Bangalore University Committee have recommended that a University of the federal type should be established in Bangalore City for the purpose of promoting and developing Post-graduate and Research work in the various important branches of knowledge. The Committee have also recommended that in view of the intimate connection between national development and in all round prosperity of the country on the one hand and the promotion of higher learning and research on the other, Government may take steps to establish the University as from the academic year 1964-65 only. The Committee has further recommended that the Central Government be pursuaded to take over the Bangalore University to be run as a Central University as early as possible, since a central University at Bangalore

would be very helpful in bringing about emotional integration among the various component parts of India.

After a careful examination of the recommendations of the Bangalore University Committee, Government considered that in the interests of the expansion of higher education and research in the State a third University confined to the limits of Bangalore District (Urban) was necessary and accordingly decided that a University of the federal type be established with effect from the academic year 1964-65.

Hence this Bill.

Financial Memorandum.

No expenditure from the Consolidated Fund of the State is contemplated in the Bill itself. However, the Bangalore University will have to be paid annual maintenance grant to cover both the recurring and non-recurring expenditure till the University is taken over by the Centre. The recurring grant to be paid to the Bangalore University will be about Rs. 7 lakhs per annum.

It is not proposed to incur any additional non-recurring expenditure by the State Government on the proposed University at Bangalore. It is intended to administer the Bangalore University with the Central College as the nucleus until such time as the University is converted into a Central University.

The recurring expenditure per annum on the new University is estimated as follows :—

(a) Pay of Officers :

		Rs.
(i) Pay of the Vice-Chancellor (at Rs. 2,000 P. M.)	...	24,000
(ii) Pay of the Registrar (in the scale of Rs. 900–1,300).		13,200
(iii) Pay of the Deputy Registrar (in the scale of Rs. 500–800)	...	7,800
(iv) Accounts Officer (in the scale of Rs. 900–1,300)	...	13,200
		68,200

(b) Other Items :

(v) University Office	...	3,00,000
(vi) Contingencies	...	1,40 000
(vii) Post-graduate scholarships	...	5,000
(viii) Contribution to Conferences	...	15,000
(ix) Deputations to Conferences	...	25,000
(x) Contributions to pension	...	50,000
(xi) Study leave Concessions	...	10,000
(xii) Audit Charges	...	30,000
(xiii) Calendars and Journals	...	14,000
Total (*a*+*b*)	...	6,77,200
or (in round figures)	...	7,00,000

The additional recurring expenditure will thus be Rs. 7 lakhs per annum.

Memorandum Regarding Delegated Legislation.

Under sub-clause (1) of clause 32, the power to make the first Statutes is conferred on the State Government. Under sub-clause (2) of the said clause the power of making new or additional Statutes and the power to amend or repeal Statutes is conferred on the Senate. The matters in respect of which the Statutes can be made are specified in clause 31.

Under sub-clause (2) of clause 34, the power to make Ordinances in respect of matters referred to in clause 33 is conferred on the Syndicate which has to follow the procedure laid down in clause 34.

Under sub-clause (2) of clause 35, the Academic Council is empowered to make Regulations subject to the approval of the Syndicate in respect of matters specified in sub-clause (3) of clause 35.

Under sub-clause (1) of clause 36 the authorities of the University specified in clauses (d) to (g) of clause 16 and any other Board of the University is empowered to make rules subject to the approval of the Syndicate, in respect of matters specified in sub-clause (2) of clause 36.

Under clause 71, the State Government is empowered to make such provisions as appears to it to be necessary or expedient to remove difficulties.

Under sub-clause (3) of the said clause, the orders so made are required to be laid before both Houses of the State Legislature and are subject to modifications made by the State Legislature.

The proposed delegation of Legislative power is of a normal character.

S. R. KANTHI

G. S. VENKATARAMANA IYER,
Secretary.

ANNEXURE

Extracts from the Mysore University Act, 1956
(*Mysore Act* 23 *of* 1956).

* * *

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

* * * *

(k-1) 'University Area' means the areas specified in the Schedule to this Act.

* * *

5. University Colleges.—The following colleges shall be University Colleges, namely :—

(*i*) The Maharaja's College, Mysore ;
(*ii*) The Yuvaraja's College, Mysore ;
(*iii*) The Engineering College, Bangalore.

* * *

SCHEDULE

[*See* section 2 (k-1)]

1 Bangalore District.
2 Bellary District
3 Chikmagalur District.
4 Chitaldrug District.
5 Coorg District.
6 Hassan District.
7 Kolar District.
8 Mandya District.
9 Mysore District.
10 Shimoga District.
11 South Kanara District.
12 Tumkur District.

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PART IV—2-A

BANGALORE, TUESDAY, JUNE 16, 1964
(JYEISHTA 26, SAKA ERA 1886)

No. 147

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 4551/L.A., Bangalore-1, dated 15th June 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Mysore Sales Tax (Amendment) Bill, 1964** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE SALES TAX (AMENDMENT) BILL, 1964.

A Bill further to amend the Mysore Sales Tax Act, 1957.

WHEREAS it is expedient further to amend the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957);

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Sales Tax (Amendment) Act, 1964.

(2) Section 4 shall be deemed to have come into force on the first day of April, 1964, and sections 2 and 3 shall come into force on such date as the State Government may by notification in the official Gazette appoint.

2. Amendment of the Second Schedule.—In the Second Schedule to the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957) (hereinafter referred to as the principal Act), in the third column of serial No. 59, for the words "Seven per cent", the words "Ten per cent" shall be substituted.

3. Amendment of the Fourth Schedule.—In the Fourth Schedule to the principal Act, for the entry relating to serial No. 3, the following entry shall be substituted, namely :—

"3.	Hides and skins, whether in a raw or dressed state.	Purchase by the last dealer in the State liable to tax under this Act.	One per cent."

4. Amendment of the Fifth Schedule.—In the Fifth Schedule to the principal Act,—

(1) in the entry relating to serial No. 22, after item (ii), the following item shall be added, namely :—

"(iii) by canteens recognised by the Commissioner which are run under official auspices in Central

or State Government Offices as an amenity provided for the members of the staff employed in such offices on a 'no profit' basis when such articles are sold, supplied or distributed to such members." ;

(2) after the entry relating to serial No. 34, the following entry shall be and shall be deemed to have been inserted, with effect from the 1st day of September 1963, namely :—

"34A. Goods sold to the Indian Aid Mission, Nepal, certified by the Director of the said Mission as being required for Indian aided projects in Nepal."; and

(3) after the entry relating to serial No. 39, the following entries shall be inserted, namely :—

"40. Foodgrains when sold by the Central Government.

41. Foodgrains when sold to Primary Consumer Co-operative Societies by a wholesale Central Co-operative Society of which such primary societies are members."

Statement of Objects and Reasons.

In accordance with the decision at a conference of Chief Ministers, the rate of tax leviable on certain luxury goods has already been raised from seven per cent to ten per cent. It is now proposed to raise the rate of tax leviable under the Second Schedule to the Mysore Sales Tax Act, 1957, in respect of cigar and cigarette cases, lighters and holders of cigar and cigarettes from seven per cent to ten per cent.

Under the Fourth Schedule to the Act, a tax at the rate of two per cent on the point of first purchase is leviable on hides and skins. In view of representations made in this behalf, it is now proposed to levy tax at the rate of one per cent at the point of last purchase.

The Government of India had suggested exemption being given to foodgrains sold by the Central Government and by a wholesale Central Co-operative Society. On an earlier occasion, the Government of India had also suggested exemption being given in respect of goods sold to Indian Aid Mission, Nepal. It is also considered necessary to grant exemption to goods sold by canteens run under the auspices of the Central Government or State Government Offices for the benefit of the members of the staff. It is therefore proposed to amend the Fifth Schedule to the Act.

Hence this Bill.

As no expenditure is involved, financial memorandum is not given. There is also no delegated legislation.

B. D. JATTI.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, TUESDAY, JUNE 16, 1964
(JYEISHTA 26, SAKA ERA 1886)

No. 148

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 4552—L.A., Bangalore-1, dated 15th June 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Agricultural Income-Tax (Amendment) Bill, 1964,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE AGRICULTURAL INCOME-TAX (AMENDMENT) BILL, 1964.

A Bill further to amend the Mysore Agricultural Income-tax Act, 1957.

WHEREAS it is expedient further to amend the Mysore Agricultural Income-tax Act, 1957 (Mysore Act 22 of 1957);

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Agricultural Income-tax (Amendment) Act, 1964.

(2) It shall be deemed to have come into force on the first day of April 1964.

2. Amendment of section 5.—In section 5 of the Mysore Agricultural Income-tax Act, 1957 (Mysore Act 22 of 1957),

(1) in clause (k), for the proviso, the following proviso shall be substituted, namely :—

" Provided that the following amounts shall not be deemed to be expenditure laid out or expended for the purpose of deriving the agricultural income,—

(i) in the case of any firm, any payment of interest, salary, bonus, commission or remuneration made by the firm to any partner of the firm;

(ii) in the case of any company, any expenditure which results directly or indirectly in the provision of any remuneration or benefit or amenity to a director or to a person who has a substantial interest in the company or to a relative of the director or of such person, as the case may be, if in the opinion of the

Agricultural Income-tax Officer any such expenditure is excessive or unreasonable having regard to the legitimate business needs of the company and the benefit derived by or accruing to it therefrom ;" ;

(2) in Explanation 1,—(i) after the words "For the purposes of this section", the following words, brackets and figures shall be inserted, namely :—

"'building' includes all structures constructed with a view to provide amenities to workers as defined in the Plantations Labour Act, 1951 (Central Act 69 of 1951), employed in plantations ;" and

(ii) after the words "For the purpose of deriving the agricultural income" the following words shall be inserted, namely :—

'relative' in relation to an individual means the husband, wife, brother or sister or any lineal ascendant or descendant, of that individual ;" and

(3) in Explanation 2, in the first proviso, after the word "Provided", the word "further" shall be inserted, and before the proviso as so amended, the following proviso shall be inserted, namely :—

"Provided that if in any year expenditure is incurred exclusively on new cultivation of land for growing areca or coffee plants or on maintenance of immature plants of areca or coffee, ten per cent of such expenditure may be deducted from the agricultural income of such person :".

Statement of Objects and Reasons.

It is considered necessary to amend section 5 of the Mysore Agricultural Income-Tax Act, 1957, to give effect to the following, namely :—

1. Clause (k) is proposed to be amended on the lines of similar provisions contained in the Income-Tax Act, 1961, giving discretion to the Agricultural Income-Tax Officer to decide whether an expenditure which results directly or indirectly in the provision of any remuneration or benefit or amenity to a Director or to a person who has a substantial interest in the company or to a relative of the Director or such person, as the case may be, is excessive or unreasonable having regard to the needs of the company and the benefits derived by, or accruing to, the company.

2. As it is necessary that expenditure incurred for construction of building for providing amenities for labourers under the Plantations Labour Act, should be considered for purposes of allowing deductions in the calculation of assessable agricultural income, a definition of "building" is proposed to be inserted in Explanation 1.

3. It is considered that a provision should be made in the Act itself to allow deductions of ten per cent of expenditure incurred exclusively on new cultivation of areca or c ffee plants or on the maintenance of plants of areca or coffee.

Hence this Bill.

As no expenditure is involved, financial memorandum is not given. There is also no delegated legislation.

B. D. JATTI.

G. S. VENKATARAMANA IYER,
Secretary.

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PART IV—2-A

BANGALORE, FRIDAY, JUNE 19, 1964
(JYEISHTA 29, SAKA ERA 1886).

No. 156

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 4685/L.A., Bangalore-1, dated 19th June 1964

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Prevention of Fragmentation and Consolidation of Holdings Bill, 1964** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS BILL, 1964.

A Bill to provide for the prevention of fragmentation of agricultural holdings and for their consolidation.

WHEREAS it is expedient to prevent the fragmentation and to provide for the consolidation of agricultural holdings for the purpose of better cultivation thereof ;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

CHAPTER I.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Prevention of Fragmentation and Consolidation of Holdings Act, 1964.

(2) It shall extend to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any of the enactments repealed by sub-section (3) of Section 51 is in force, and in such other area on such days as the State Government may by notification specify.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "agricultural year" means the year commencing on the first day of April ;

(*b*) "Commissioner" means the officer appointed by the State Government to perform the functions of the Commissioner under this Act ;

(*c*) "consolidation of holdings" means the amalgamation and, where necessary, the redistribution of holdings or portions of holdings in any village or taluk or any part thereof, so as to reduce the number of plots in holdings ;

(*d*) "Consolidation Officer" means an officer appointed as such under section 15 by the State Government and includes any person authorised by the State Government to perform all or any of the functions of the Consolidation Officer under this Act ;

(*e*) " Co-operative Society " means a co-operative society registered or deemed to be registered under the Mysore Co-operative Societies Act, 1959 ;

(*f*) 'fragment" means a plot of land of less extent than the appropriate standard area determined under this Act:

Provided that no plot of land shall be deemed to be fragment by reason of any diminution in its area by diluvian

(*g*) "land" means agricultural land, whether alienated or unalienated ;

(*h*) "Local area" means any area notified as such under section 3 ;

(*i*) "notification" means a notification published in the official Gazette ;

(*j*) "owner" means, the occupant or a person who has permanent and heritable rights of possession of land, and when such land has been mortgaged, "owner" means the mortgagor ;

(*k*) "prescribed" means prescribed by rules made under this Act ;

(*l*) "standard area" in respect of any class of land means the area which the State Goverument may from time to time determine under Section 5 as the minimum area necessary for profitable cultivation in any particular local area and includes the standard area revised under the said section ;

(*m*) words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Mysore Land Revenue Act, 1964.

CHAPTER II

DETERMINATION OF LOCAL AREAS AND STANDARD AREAS AND TREATMENT OF FRAGMENTS.

3. Determination of local area.—The State Government may, after such enquiry as it deems fit, by notification, specify a village or taluk or any part thereof as a local area for the purposes of this Act.

4. Provisional settlement of standard areas.—(1) The State Government may, after such enquiry as it deems fit and after consultation with such authority as may be prescribed, provisionally settle for any class of land in any local area the minimum area that can be cultivated profitably as a separate plot.

(2) The State Government shall, by notification and in such other manner as may be prescribed, publish the minimum areas provisionally settled by it under sub-section (1) and invite objections thereto.

5. Determination and revision of standard area.—(1) The State Government shall, after considering the objections, if any, received within ninety days of the date of publication of the notification under sub-section (2) of Section 4 in the village concerned, and making such further enquiry as may be necessary, determine the standard area for each class of land in such local area.

(2) The State Government may, at any time, if it deems it expedient so to do, revise the standard area determined under sub-section (1). Such revision shall be made in the manner prescribed under section 4 and sub-section (1).

(3) The State Government shall, by notification, and in such other manner as may be prescribed, give public notice of any standard area determined under sub-section (1) or revised under sub-section (2).

6. Entry in the Record of Rights.—(1) On notification of a standard area under sub-section (3) of section 5 for a local area, all fragments in the local area shall be entered as such in the Record of Rights, or where there is no Record of Rights, in such village record as the State Government may prescribe.

(2) Notice of every entry made under sub-section (1) shall be given in the manner prescribed for the giving of notice under Chapter XI of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), of an entry in the Register of Mutation.

7. Transfer and lease of fragments.—(1) No person shall transfer any fragment in respect of which a notice has been given under sub-section (2) of section 6, except to the owner of a contiguous survey number or recognised sub-division of a survey number :

Provided that the holder of such fragment may mortgage or transfer it to the State Government or a Co-operative Land Mortgage Bank or any other Co-operative Society as security for any loan advanced to him by the State Government or such Bank or Co-operative Society, as the case may be.

(2) Notwithstanding anything contained in any law for the time being in force or in any instrument or agreement, no such fragment shall be leased to any person other than a person cultivating any land, which is contiguous to the fragment.

(3) No such fragment shall be sub-divided or partitioned.

8. Fragmentation prohibited.—No land in any local area shall be transferred or partitioned or sub-divided so as to create a fragment.

9. Restriction on partition of land.—(1) Where, by transfer, decree, succession or otherwise, two or more persons are entitled to shares in an un-divided agricultural land in any local area for which standard areas have been fixed, and the land has to be partitioned among them, such partition shall be effected so as not to create a fragment.

(2) Where such partition is made by the Court or the Deputy Commissioner, the following procedure shall be adopted :—

(*a*) if, in effecting a partition of property among several co-sharers, it is found that a co-sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment, he shall be compensated in money for that share. The amount of compensation shall be determined so far as practicable in accordance with the provisions of section 23 of the Land Acquisition Act, 1894;

(*b*) if, in effecting a partition, it is found that there is not enough land for the shares of all the co-sharers in accordance with the provisions of sub-section (1), the co-sharers may agree among themselves as to the particular co-sharer or co-sharers who should get share of the land and which of them should be compensated in money. In the absence of any such agreement the co-sharers to whom a share of land can be provided and those to whom money compensation should be given shall be chosen by lot in the manner prescribed;

(*c*) the compensation shall be payable by each co-sharer in proportion to the excess value of land he gets over the share of land legally due to him and such co-sharer shall deposit the proportionate amount of compensation in the manner prescribed before taking possession of the share allotted to him. On his failure to do so, his share shall be allotted to any other co-sharer to whom land has not been previously allotted and who is chosen in the manner provided in clause (b) subject to the payment of similar compensation to the co-sharers not getting shares of land;

(*d*) if none of the co-sharers to whom land has been allotted under clause (*c*) pays the compensation and takes the share, the share shall be sold in

public auction to the highest bidder, and the purchase money shall be paid to the co-sharers not getting land in proportion to their respective shares;

(*e*) where the parties agree upon any other method of partition which will not result in the creation of a fragment, that method shall be followed in effecting partition.

(3) Where a partition is effected in execution of a decree all questions relating to the partition of the land and apportionment of compensation shall be decided by the Court executing the decree or by the Deputy Commissioner effecting the partition, as the case may be, in accordance with the provisions of sub-section (2).

10. Sections 7, 8 and 9 not to apply to transfer for public purpose.—Nothing in sections 7, 8 and 9 shall apply to a transfer of any land for such public purpose as may be specified by notification in this behalf by the State Government.

11. Penalty for transfer or partition contrary to Act.—(1) The transfer or partition of any land contrary to the provisions of this Act shall be void.

(2) The owner of any land so transferred or partitioned shall be liable to pay such fine not exceeding five hundred rupees as the Deputy Commissioner may, subject to the general orders of the State Government, direct. Such fine shall be recoverable as arrears of land revenue.

(3) Any person unauthorisedly occupying or wrongfully in possession of any land, the transfer or partition of which, either by the act of parties or by the operation of law, is void under the provisions of this Act, may be summarily evicted by the Deputy Commissioner.

12. Transfer of fragment to State Government.—(1) Any owner of a fragment may transfer it to the State Government on payment by the State Government of such compensation to persons possessing interest therein as the

Deputy Commissioner may determine and thereupon the fragment shall vest absolutely in the State Government free from all encumbrances; but no such fragment shall be transferred to the State Government unless it is first offered to the owner of a contiguous survey number or recognised share of a survey number on payment of the compensation determined by the Deputy Commissioner as aforesaid and such owner has refused to purchase the fragment on payment of such compensation.

(2) Any such fragment may be disposed of as unoccupied land under the provisions of the Mysore Land Revenue Act, 1964.

13. Determination of compensation for purposes of section 12.—In determining the compensation for the purpose of section 12, the Deputy Commissioner, shall have regard to the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894.

14. Fragment not to be sold in Court sale or created by such sale.—Notwithstanding anything contained in any law for the time being in force, no fragment, in respect of which a notice has been given under sub-section (2) of section 6, shall be sold at any sale, held under the orders of any Court except to the owner of a contiguous survey number or recognised sub-division of a survey number, and no land shall be sold at such sale so as to leave a fragment.

CHAPTER III

PROCEDURE FOR CONSOLIDATION

15. Government may of its own accord or on an application declare its intention to make scheme for consolidation of holdings.—With the object of consolidating holdings in any village or taluk or any part thereof for the purpose of better cultivation of lands therein, the State Government may, of its own motion or on an application made in that behalf, declare by a notification and by publication in the prescribed

manner in the village or villages concerned its intention to make a scheme for the consolidation of holdings in such village or villages or any part thereof, as may be specified. On such publication in the village concerned, the State Government may appoint a Consolidation Officer, who shall proceed to prepare a scheme for the consolidation of holdings in such village or villages or part thereof, as the case may be, in the manner hereinafter provided.

16. Preparation of the scheme and the principle to be followed in such preparation.—(1) The Consolidation Officer shall, after giving due notice to the land owners and the Village Panchayat concerned, visit each of the concerned villages and shall, in consultation with the Village Panchayat, proceed to prepare a scheme for the consolidation of holdings, which shall include such statements, records and maps as may be prescribed.

(2) In preparing the scheme, the Consolidation Officer shall have regard to the procedure which the State Government may from time to time prescribe in regard to the number of Blocks in which the village lands are to be grouped, the manner of allotting new plots to each owner, the recommendations of the Village Panchayat and such other matters as may be prescribed.

17. Schemes to provide for compensation.—(1) The scheme prepared by the Consolidation Officer shall provide for the payment of compensation to any owner who is allotted a holding of less market-value than that of the original holding and for recovery of compensation from any owner, who is allotted a holding of greater market-value than that of his original holding:

Provided that no compensation shall be payable for the proportionate cut in the extent or value of the holdings resulting from the assignment of land under section 19.

(2) The amount of compensation shall be determined so far as practicable in accordance with the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894.

(3) When a holding of greater market-value than that of his original holding is allotted to an owner, the State Government may grant a loan to him to the extent of the amount of compensation he has to pay under sub-section (1), the loan being made repayable with such interest and in such annual instalments as may be prescribed.

18. **Amalgamation of public roads, etc., within the scheme for consolidation.**—(1) Whenever in preparing a scheme for consolidation of holdings, it appears to the Consolidation Officer that it is necessary to amalgamate any road, street, lane or path with any holding in the scheme, he shall make a declaration to that effect stating in such declaration that it is proposed that the rights of the public as well as of the State Government in or over the said road, street, lane or path shall be extinguished or, as the case may be, transferred, to a new road, street, lane or path, laid out in the scheme of consolidation.

(2) The declaration in sub-section (1) shall be published in the village concerned in the prescribed manner, along with the draft scheme referred to in section 20.

(3) Any member of the public, or any person having any interest or right, in addition to the right of public highway in or over the said road, street, lane, or path or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub-section (1), state to the Consolidation Officer in writing his objections to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and the particulars of his claim to compensation for such interest or right:

Provided that no claim for compensation on account of the extinction or deminution of the right of public highway over such road, street, lane or path shall be entertained.

(4) The Consolidation Officer shall after considering the objections, if any, made to the proposal, submit it with such amendments, if any, as he may consider necessary, to the Commissioner, together with the objections received,

his recommendations thereon and a statement of the amounts of the compensation, if any, which, in his opinion are payable, and of the persons to whom such compensation is .payable.The decision of the commisssioner on the proposal and regarding the amount of compensation and the persons by whom such compensation, if any, is payable, shall subject to any modification made by the State Government, be final.

19. Lands reserved for public purposes.—Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Consolidation Officer to direct, in consultation with the Village Panchayat,—

(a) that any land specifically assigned for any public purpose shall cease to be so assigned and to assign any other land in its place ;

(b) that if any area under consolidation, no land is reserved for any public purpose, including extension of the village sites, or if the land so reserved is inadequate, to assign other land for such requirements and for that purpose to effect a proportionate 'cut in all the holdings of the village.

20 Publication of draft scheme.—(1) When the draft scheme of consolidation is ready for publication the Consolidation Officer shall publish it in the prescribed manner in the village or villages concerned. Any person likely to be affected by such scheme shall, within thirty days of the date of such publication, communicate in writing to the Consolidation Officer any objections relating to the scheme. The Consolidation Officer shall, after considering the objections, if any, received, submit the scheme with such amendment as he considers to be necessary, together with his remarks on the objections to the Commissioner:

Provided that, if all the owners likely to be affected by the scheme published as aforesaid, agree in writing before the Consolidation Officer, to enter into possession of the

holdings allotted to them thereunder, the Consolidation Officer, may allow all the owners to enter into such possession after depositing in the prescribed manner such compensation as is payable by him under the scheme.

(2) The Consolidation Officer shall also publish the scheme as amended by him.

21. Confirmation of scheme.—(1) If within thirty days of its publication, no objections are received to the draft scheme published under sub-section (1), or the amended draft scheme published under sub-section (2) of Section 20, as the case may be, the Commissioner shall confirm the scheme.

(2) If any objections are received to such draft scheme or amended draft scheme, and

(a) the Commissioner after considering the objections approves of the draft scheme or the amended scheme, he shall submit the draft scheme, or as the case may be, the amended scheme to the State Government together with the objections received thereto, or

(b) the Commissioner, after considering the objections, further amends the scheme, the Commissioner shall publish the further amended scheme in the prescribed manner.

(3) If within fifteen days of the publication of a further amended scheme under clause (b) of sub-section (2),—

(a) no objections are received thereto, the Commissioner shall confirm the scheme; and

(b) if any objections are received then the Commissioner shall submit such further amended scheme to the State Government together with the objections received thereto.

(4) Upon submission of a scheme under clause (a) of sub-section (2) or clause (b) of sub-section (3), the State Government may, after taking into consideration the objections either confirm the scheme with or without amendments or may refuse to confirm it.

22. Right to possession of new holdings.—(1) Upon the confirmation of the scheme under sub-section(1), (3) or (4) of Section 21, a notification stating that the scheme has been confirmed shall be published in the Official Gazette, and the scheme as confirmed shall be published in the prescribed manner in the village or villages concerned. If two-thirds or more of the owners affected by such scheme agree to enter into possession of the holdings allotted to them thereunder the Consolidation Officer may allow all the owners to enter into such possession forthwith or from such date as may be specified by him.

(2) If two-thirds or more of such owners do not agree to enter into possession under sub-section (1), all the owners shall be entitled to possession of the holdings allotted to them under the scheme from the commencement of the agricultural year next following the date of publication of the notification in the official Gazette under sub-section (1).

(3) In enforcing the provisions of sub-section (1) or (2), the Consolidation Officer shall, if necessary put the owners in possession of the holdings to which they are entitled under the scheme and for doing so, may, in the prescribed manner, evict any person from any land.

(4) Notwithstanding anything contained in sub-section (2) no owner shall be entitled to possession of any holding allotted to him under the scheme, unless he deposits in the prescribed manner within sixty days of the commencement of the said agricultural year such compensation as is recoverable from him under the scheme.

(5) Where an owner fails to comply with the provisions of sub-section (3), his right in such holding may be allotted, in the prescribed manner, by the Consolidation Officer to any other person who pays the value of the holding, and in such case the value realised after deducting the expense (hereinafter called the net value) shall be paid to the owner and any other person having an interest in the holding.

(6) If no person is forthcoming to pay the value of the holding, the State Government may recover from the owner compensation recoverable from him under the scheme as arrear of land revenue or the State Government may itself purchase the holding after paying the value of the holding to the owner and any other person having interest in the holding.

23. Coming into force of scheme.—As soon as the persons entitled to possession of holdings under this Act have entered into possession of the holdings, respectively, allotted to them, the scheme shall be deemed to have come into force.

25. Rights transferable notwithstanding any law.—Notwithstanding anything contained in any law for the time being in force, the rights of owners or other persons having interest, shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise.

25. Certificate of transfer.—(1) The Consolidation Officer shall grant to every owner to whom a holding has been allotted for the purpose of a scheme of consolidation and to every person to whom a holding is allotted under sub-section (5) of section 22, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908 Central Act XVI of 1908), to the effect that the holding has been transferred to him for the purpose of the scheme. The Consolidation Officer may thereupon cause to be prepared a new record of rights in respect of the holdings so transferred and the record of rights so prepared shall be deemed to have been prepared under Chapter XI of the Mysore Land Reveune Act, 1964.

(2) Notwithstanding anything contained in any law for the time being in force, no stamp or registration fee shall be payable in respect of such certificate.

26. Assessment and recovery of cost.—The cost of carrying out the scheme of consolidation shall be assessed in the prescribed manner and recovered from the persons whose holdings are affected thereby, in such proportion and at such rates as may from time to time be determined by the State Government.

27. Recovery of compensation or costs.—Compensation under section 17 or costs under section 26 or any other sums payable under this Act shall be recoverable as arrears of land revenue.

CHAPTER IV.

EFFECT OF CONSOLIDATION PROCEEDINGS AND OF CONSOLIDATION OF HOLDINGS.

28. Exercise by Consolidation Officer of powers under certain Acts.—(1) During the continuance of the consolidation proceedings, the Consolidation Officer shall exercise and discharge the functions of a Revenue Officer under—

(*a*) Chapter XII of the Mysore Land Revenue Act, 1964 ;

(*b*) The Mysore Land Reforms Act, 1961, and

no Revenue Officer other than the Consolidation Officer shall take any proceednings under any of the said Acts in respect of the holding or land for the consolidation of which a notification has been issued under section 15.

(2) Where in respect of any holding a Consolidation Officer proceeds to prepare a scheme under section 16—

(*a*) all applications and proceedings including execution proceedings pending before any Revenue Officer under any of the said Acts in respect of any holding or land for the consolidation of which a notification has been issued under section 15, shall be transferred to the Consolidation Officer, and

(*b*) the Consolidation Officer shall, by proclamation call upon all persons who claim to be entitled to possession under any of the said Acts, of any holding for the consolidation of which a notification has been issued under section 15 to make within the prescribed period, an application to be put in possession of such holdings; and any person who fails to do so within the prescrsbed period shall thereafter be debarred from making it :

Provided that nothing in this clause shall debar any person from making, after the coming into force of the scheme of consolidation under section 23, any application in respect of any holding executed in the scheme, if such application could lie under the provisions of any law for the time being in force.

(3) The Consolidation Officer shall submit any order passed by him under any of the said Acts to the Deputy Commissioner for confirmation, if an application in that behalf is made to him by any party to a proceeding under this section within thirty days from the date of the order.

29. Stay of certain proceedings and ban on transfer of land during the continuance of consolidation proceedings.— When a Consolidation Officer proceeds to prepare a scheme under section 16, during the continuance of the consolidation proceedings—

(*a*) no proceedings—

(i) for realisation of the land revenue and other revenue demands either by forfeiture, attachment, distraint and sale of movable or immovable property of a defaulter,

(ii) for execution of any award made under the Mysore Co-operative Societies Act, 1959,

(iii) for execution of any award from a decree made under any law relating to relief of agricultural debtors in force in any of the areas of the State of Mysore, or

(iv) for execution of any decree passed by a Civil Court, or

(v) for partitioning or sub-dividing in any manner,

in respect of any land in respect of which a notification has been issued under section 15, shall be commenced, and all such proceedings, if commenced, shall be stayed;

(b) no person shall transfer any land in respect of which a notification under section 15 has been issued.

30. Rights in holdings.—Every owner to whom a holding is allotted for the purpose of the scheme of consolidation, shall have the same rights in such holding as he had in his origional holding:

Provided that nothing in this section shall apply to any person to whom a holding has been allotted under the provisions of sub-section (5) of section 22.

31. Encumbrances.—(1) If the holding of an owner included in a scheme of consolidation, which has come into force under section 23 is burdened with a mortgage, debt or other encumbrance, other than a lease, such mortgage debt or other encumbrance shall be transferred therefrom and attach itself to the holding allotted to him in the scheme or to such part of it as the Consolidation Officer may, subject to any rules made under section 48, appoint; the mortgagee, creditor or other encumbrancer, as the case may be, shall exercise his rights accordingly.

(2) If the holding to which a mortgage, debt or other encumbrance is transferred under sub-section (1) is of less market value than the original holding from which it is transferred, the mortgagee, creditor or other encumbrancer, as the case may be, shall, subject to the provisions of section 33, be entitle to the payment of such compensation by the owner of the holding, as the case may require, as the Consolidation Officer may determine.

(3) Notwithstanding anything contained in section 22, the Consolidation Officer shall, in the prescribed manner put any mortgagee or encumbrancer entitled to possession into possession of the holding to which his mortgage or other encumbrance has been transferred under sub-section (1).

32. Consolidation Officer to decide whether lease should be transferred or not.—(1) If the holding of an owner included in a scheme of consolidation, which has come into force under section 23, is burdened with a lease, the Consolidation Officer shall, by an order in writing determine whether such lease shall or shall not be transferred therefrom. A copy of the order passed by the Consolidation Officer under this sub-section shall be affixed to a place near the holding and shall also be published in the prescribed manner.

(2) If the Consolidation Officer determines that such lease shall be transferred from the original holding, it shall attach itself to the holding allotted to the owner under the scheme or such part of it as the Consolidation Officer may, subject to any rules made under section 48, appoint, and the lessee shall exercise his rights accordingly. The provisions of sub-sections (2) and (3) of section 31 shall apply to such lease as if the lease were mortgage or other encumbrance.

(3) If the Consolidation Officer determines that such lease shall not be transferred from the original holding, it shall remain attached thereto and the owner to whom such holding is allotted under the scheme shall hold it, subject to such lease; and the provisions of the Mysore Land Reforms Act, 1961, shall, so far as may be notwithstanding the change in the ownership apply to such lease; and the rights and liabilities of such owner and the lessee shall be governed by the provisions of the said Act, as between the land-lord and his tenant:

Provided that such owner shall not be entitled to arrears of rent due under such lease immediately before the allotment of the holding as aforesaid.

(1) An appeal against the decision of the Consolidation Officer under this section shall lie to the Deputy Commissioner, within the prescribed time.

33. Apportionment of compensation or net value in case of dispute.—Where there is a dispute in respect of the apportionment of—

(*a*) the amount of compensation determined under sub-section (2) of section 17 or sub-section (4) of section 18;

(*b*) the net value realised or payable under sub-section (5) or (6) of section 22;

(*c*) the total amount of compensation determined under sub-section (2) of section 31;

the Consolidation Officer shall refer the dispute to the decision of the District Court and deposit the amount of compensation or the net value, as the case may be in the Court and thereupon the provisions of sections 33, 53 and 54 of the Land Acquisition Act, 1894, shall, so far as may, apply.

34. Alienation of and sub-division of consolidated holdings.—Notwithstanding anything contained in any law for the time being in force, no holding allotted under this Act, nor any part thereof shall be—

(*a*) transferred, whether by way of sale (including sale in execution of a decree of a Civil Court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue) or by way of gift, exchange or lease, or otherwise, except in accordance with such conditions as may be prescribed;

(*b*) sub-divided (including sub-division by a decree or order of Civil Court or any other competent authority) except with the permission in writing of the State Government.

35. Correction of clerical and arithmetical mistake in a scheme.—If, after a scheme has come into force, it appears to the Commissioner that the scheme is defective on account of any clerical or arithmetical mistake or error

arising therein from any accidental slip or omisson and he is satisfied that the correction of such mistake or error would not vary the scheme in any material particular, he may by order in writing correct such mistake or error and publish his order in the prescribed manner.

36. Power to vary scheme on the ground of error, irregularity or informality.—(1) If, after a scheme has come into force, it appears to the State Government that the scheme is defective on account of an error (other than that referred to in section 35), irregularity or informality, and requires variation, the State Government shall publish a draft of such variation, in the prescribed manner. The draft variation shall state every amendment propsed to be made in the scheme.

(2) Within one month of the date of publication of the draft variation any person affected thereby may communicate in writing any objection to such variation to the State Government.

(3) After receiving the objections under sub-section (2), the State Government may, after making such enquiry, as it may think fit, make the variation with or without modifications or may not make any variation.

(4) If the scheme is varied under sub-section (3) a notification stating that the scheme has been varied shall be published in the official Gazette and the scheme so varied shall be published in the prescribed manner in the village or villages concerned.

(5) From the date of the notification stating that the scheme has been varied, the variation shall take effect as if it were incorporated in the scheme.

37. Power to vary or revoke scheme at any time.—A scheme for the consolidation of holdings confirmed under this Act may, at any time, be varied or revoked by a subsequent scheme prepared, published and confirmed in accordance with this Act.

CHAPTER V

OTHER POWERS OF CONSOLIDATION OFFICERS.

38. **Power of Officers to enter upon land for purposes of survey and demarkation.**—The Consolidation Officer and any person acting under his orders, may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarkate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

39. **Penalty for destruction, injury or removal of survey marks.**—If any person wilfully destroys or injures or without lawful authority removes a survey mark lawfully erected, he may be ordered by a Consolidation Officer to pay fine not exceeding fifty rupees for each mark destroyed, injured or removed, as may, in the opinion of that officer, be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction injury or removal.

40. **Report of destruction or removal or injury to survey mark.**—Every village officer shall be legally bound to furnish a Consolidation Officer with information respecting the destruction or removal of, or an injury done to, any survey mark lawfully erected in the village.

41. **Power of Consolidation Officer to summon persons.**—(1) A Consolidation Officer may summon any person whose attendance he considers necessary for the purpose of any business before him as a Consolidation Officer.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or if the summons so allows, by his recognised agent or legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or make statements and to produce such documents and other things relating to any such matter as the Consolidation Officer may require for purposes of this Act.

CHAPTER VI.

GENERAL.

42. Appointment of officers and staff and delegation powers.—(1) The State Government may, by notification, delegate any of its powers or functions under this Act to any of its officers.

(2) The State Government may, by notification, invest the Deputy Commissioner with all or any of the powers of the Commissioner under this Act, and by a like notification, invest the Consolidation Officer with all or any of the powers of the Deputy Commissioner under this Act.

(3) The Consolidation Officer may, with the sanction of the State Government, delegate any of his power or functions under this Act to any other officer of the State Government.

43. Power of State Government to call for proceedings.—The State Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by any officer under this Act, call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit :

Provided that no order shall be varied or revised until the parties interested have been given a reasonable opportunity of showing cause against the proposed variation or revision for the order.

44 Appeal and revision barred save as provided in Act.—Except as provided under this Act, no appeal or revision application shall lie from any order passed under this Act.

45. Indemnity.—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

46. Bar of jurisdiction.—(1) No Civil Court shall have urisdiction to settle, decide or deal with any question

which is by or under this Act required to be settled, decided or dealt with by the State Government or any officer or authority.

(2) No order of the State Government or any such officer or authority made under this Act shall be called in question in any Civil or Criminal Court.

47. Suits in favour of issues required to be decided under this Act. – ( ) If any suit instituted in any Civil Court involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as "competent authority"), the Civil Court shall stay such suit and refer such issues to such competent authority for determination.

(2) On receipt of such reference from the Civil Court the competent authority shall deal with and decide such issues in accordance with the provisions of this Act and shall communicate its decisions to the Civil Court and such Court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

48. Rules.—(1) The State Government may, after previous publication, by notification, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice the generality of the foregoing power, the State Government may make rules providing for—

(*a*) the manner of publication under sub-section (2) of section 4;

(*b*) the manner of holding enquiries under sub-section (1) of section 5 and the manner of giving public notice under sub-section (3) of section 5;

(*c*) village records in which fragments shall be entered under sub-section (1) of section 6;

(*d*) the manner of choosing by lot under clause (b) of sub-section (2) of section 9;

(*e*) the manner of publication of the intention make a scheme under section 15;

(*f*) the statements, records and maps to be included in the scheme of consolidation and the procedure and other matters to be observed in the preparation of the scheme under section 16;

(*g*) the manner of publication of draft scheme of consolidation and holdings under sub-section (1) of section 20;

(*h*) the manner of publication of scheme under sub-section (1) of section 22 on its being confirmed;

(*i*) the manner in which a person may be evicted under sub-section (3) of section 22;

(*j*) the manner in which the compensation recoverable from an owner shall be deposited by him uuder sub-section (4) of section 22;

(*k*) the manner in which right of holding may allotted under sub-section (5) of section 24;

(*l*) the form in which certificate shall be granted under section 25;

(*m*) the manner of assessing the cost of consolidation of holdings under section 26;

(*n*) the period within which an application shall be made under clause (b) of sub-section (5) of section 28;

(*o*) the guidance of the Consolidation Officer and other officers and persons in respect of transfer of a mortgage, debt or other encumbrance under sub-section (1) of section 31;

(*p*) the manner of putting any mortgagee or other encumbrancer into possession under sub-section (3) of section 31;

(*q*) the conditions in accordance with which the holdings may be transferred under clause (*a*) of section 34;

(*r*) the manner of publication of a draft variation under sub-section (1) of section 36;

(*s*) the manner in which the area and assessment (including water rate, if any) of such reconstituted holding or part of such holding shall be determined ;

(*t*) the manner in which the corrections shall be made in Record of Rights in accordance with a scheme of consolidation ;and

(*u*) any other matter which has to be or may be prescribed.

49. Removal of difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from the provisions of the Acts in force before the commencement of this Act), the State Government may by notification make such provisions, not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

50. Rules and notification to be laid before the State Legislature.—Every rule made under Section 48 and every notification issued under Section 49, shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however

that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule or notification.

51. Repeal.—The whole of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, except section 13 (Bombay Act LXII of 1947), as in force in the Bombay Area, and the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956 (Hyderabad Act XLVI of 1956), as in force in the Hyderabad Area, are hereby repealed:

Provided that Section 6 of the Mysore General Clauses Act, 1889, shall be applicable in respect of such repeal and Section 8 and Section 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

Statement of Objects and Reasons.

At present the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, is in force in the Bombay Area and the Hyderabad Consolidation of Holdings and Prevention of Fragmentation Act, 1956, is in force in the Hyderabad Area.

Both the First Five-Year Plan and the Second Five-Year Plan have emphasised that in all States, programmes for consolidation of holdings should be expanded and pursued with vigour. It is considered necessary to have a uniform Law relating to prevention of fragmentation and consolidation of holdings applicable throughout the new State of Mysore. Hence this Bill.

The main features of the Bill are:—

(1) A plot of land of less extent than appropriate standard area which is not profitable for cultivation is considered a fragment;

(2) Future fragmentation of lands is prevented;

(3) Every holder will be given a compact area equivalent in value to what he held before in the scattered fields;

(4) Transfers or partitions which would result in creation of a fragment are prohibited;

(5) During consolidation proceedings, nobody will become landless however small his holdings may be, and big holders will not get enlarged holdings;

(6) Any owner of fragment can transfer such fragment to the owner of contiguous survey number on payment of compensation determined by the Deputy Commissioner. If the contiguous owner refuses to take it, he can transfer it to the State Government;

(7) If a holding is burdened with lease, mortgage, debt or other encumbrances, such encumbrance shall be transferred therefrom and attach itself to the holding allotted to the original owner thereof in the scheme.

Financial Memorandum

The undermentioned staff is already entertained for the special work in the Bombay area and Hyderabad area where the scheme is in force. The cost on this account comes to nearly Rs. 3 lakhs per Taluk. No recovery of cost is made from the holders as there is no provision in the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 :—

Consolidation Officers	...	...	2
Assistant Consolidation Officers	...	...	10
Nimtanlars	...	...	8
Consolidation Inspectors	...	...	10
II Division Surveyors	...	...	83
Surpervisors	...	...	13
I Division Clerks	...	...	12
II Division Clerks	...	...	12
Clerks-*cum*-Typists	...	...	2
Peons	...	...	46

The Scheme is eligible for the financial assistance to the extent of 25 per cent from the Government of India. In view of the Central Government's suggestion to extend the programme of consolidation work it has been decided to extend the scheme which is in force in five districts of Dharwar, Belgaum, Bijapur, North Canara and Gulbarga to the other areas gradually. The cost being Rs. 3 lakhs per taluk on an average, Rs. 1·5 lakhs will be the net expenditure of the State Government and the balance of Rs 1·5 lakhs will be met out of grants from the Government of India and amounts recovered from persons whose lands are brought under a scheme of consolidation. The total cost of covering all the taluks will be about Rs. 500 lakhs. It is proposed to extend the scheme with reference to funds which may become available in the annual plan programme.

Memorandum regarding delegated Legislation

Clause 4.—Sub-clause (2) empowers the State Government to prescribe the manner in which the minimum areas provisionally settled under sub-clause (1) shall be published.

Clause 5.—This clause empowers the State Government to prescribe the manner of holding enquiries under sub-clause (1) and the manner in which public notice of any standard area determined under sub-clause (1) or revised under sub-section (2) shall be given.

Clause 6.—Under this clause the State Government has to prescribe the village records in which fragments shall be entered.

Clause 9.—Under sub-clause (2) the State Government has to prescribe the manner of choosing by lot the co-sharers to whom a share of land can be provided and those to whom money compensation should be given.

Clause 15.—This clause empowers the State Government to prescribe the manner of publication of its intention to make a scheme.

Clause 16.—Under this clause the State Government has to prescribe the statements, records and maps to be

included in the scheme of consolidation and the procedure and other matters to be observed in the preparation of the scheme.

Clause 17.—Sub-clause (3) empowers the State Government to prescribe the interest on the loan and the number of annual instalments for the repayment of the loan, sanctioned under clause 17.

Clause 18.—Sub-clause (2) empowers the State Government to prescribe the manner in which the declaration under sub-clause (1) should be published.

Clause 20.—This clause empowers the State Government to prescribe the manner in which the Consolidation Officer should publish the draft scheme of consolidation.

Clause 21.—Sub-clause (2) empowers the State Government to prescribe the manner in which the Commissioner, should publish the further amended scheme.

Clause 22.—Under this clause the State Government has to prescribe,—

(*i*) the manner of publication of the scheme as confirmed under sub-clause (1);

(*ii*) the manner of evicting any person under sub-clause (3);

(*iii*) the manner in which the compensation recoverable from an owner shall be deposited under sub-clause (4);

(*iv*) the manner in which right in holding may allotted under sub-clause (5).

Clause 25.—Under this clause the State Government has to prescribe the form in which certificate that a holding is transferred to any person, should be granted.

Clause 26.—Under sub-clause (2) the State Government has to prescribe the period with which an application has to be made by persons who claim to be entitled to possession for being put in possession.

Clause 31.—Under sub-clause (3) the State Government has to prescribe the manner in which the Consolidation Officer should put any mortgagee or encumbrancer entitled

to possession into possession of the holding to which his mortgage or other encumbrance has been transferred.

Clause 34.—Sub-clause (*a*) empowers the State Government to prescribe the conditions in accordance with which the holdings may be transferred

Clause 35—Under this clause the State Government has to prescribe the manner in which the Commissioner should publish his order correcting any arithmetical mistake or error in a scheme after it has come into force.

Clause 36.—This clause empowers the State Government to prescribe the manner in which the draft of variation of a scheme and the scheme as varied should be published.

Clause 48.—This clause empowers the State Government to make rules for carrying out the purposes of the Act.

Clause 49.—This clause empowers the State Government to make such provisions as appears to it to be necessary or expedient for removing any difficulty that may arise in giving effect to the provisions of the Act.

The rules made under clause 48 and the notifications issued under clause 49 will be laid before both Houses of the State Legislature and are subject to such modifications the Legislature may make.

The delegation of the Legislative power is necessary for the implementation of the Act and is of a normal character.

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(EXTRAORDINARY)

PART IV—2-A

BANGALORE, THURSDAY, JUNE 18, 1964
(JYEISHTA 28, SAKA ERA 1886).

No. 152

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No 466/L.A., Bangalore-1, dated the 18th June 1964

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Co-operative Societies (Amendment) Bill, 1964** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 1964.

Bill to amend the Mysore Co-operative Societies Act, 1959.

WHEREAS it is expedient to amend the Mysore Co-operative Societies Act, 1959 (Mysore Act 11 of 1959);

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Co-operative Societies (Amendment) Act, 1964.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.—In section 2 of the Mysore Co-operative Societies Act, 1959 (Mysore Act 11 of 1959) (hereinafter referred to as the principal Act.)

(i) for clause (i), the following clause shall be substituted, namely :—

"(i) 'Registrar' means a person appointed to perform the functions of the Registrar of Co-operative Societies under this Act and includes an Additional Registrar of Co-operative Societies, a Joint Registrar of Co-operative Societies, a Deputy Registrar of Co-operative Societies and an Assistant Registrar of Co-operative Societies appointed to assist the Registrar when exercising all or any of the powers of the Registrar;"

(ii) For clause (*k*), the following clause shall be substituted, namely :—

"(*k*) 'Tribunal' means the tribunal constituted under section 2B."

3. Insertion of new chapter IA.—After section 2 of the principal Act, the following Chapter shall be inserted, namely :—

"CHAPTER IA.

AUTHORITIES AND APPELLATE TRIBUNAL.

2A. Registrar, Additional Registrar, Joint Registrars, Deputy Registrars and Assistant Registrars. (1) The State Government may appoint a person to be the Registrar of Co-operative Societies for the State.

(2) The State Government may appoint an Additional Registrar of Co-operative Societies, and as many Joint Registrars of Co-operative Societies, Deputy Registrars of Co-operative Societies and Assistant Registrars of Co-operative Societies as it thinks fit for the purpose of assisting the Registrar.

(3) The State Government may appoint such other officers with such designations as it deems fit to assist the Registrar.

(4) All officers and persons employed in the administration of this Act shall observe and follow the orders, instructions and directions of the State Government and the Registrar, and the officer or officers to whom each officer appointed under this Act shall be subordinate shall be determined by the State Government:

Provided that no orders, instructions or directions shall be given so as to interfere with the discretion of any appellate authority in the exercise of its appellate functions.

(5) The State Government may, by general or special order, confer on any person appointed as Additional Registrar of Co-operative Societies, Joint Registrar of Co-operative Societies, Deputy Registrar of Co-operative Societies, Assistant Registrar of Co-operative Societies, all or any of the powers of the Registrar under this Act.

(6) Notwithstanding anything contained in this Act, matters relating to the audit and accounts of every co-operative society shall be subject to the supervision and control of the Registrar of Co-operative Societies for the State.

2B. Tribunal.—(1) *The State Government shall constitute a Co-operative Appellate Tribunal consisting of a Chairman and two other members to exercise the functions conferred on the Tribunal by or under this Act. The Chairman of the Tribunal shall be a District Judge who has held office as such Judge for not less than three years and of other two members one shall be a Joint Registrar of Co-operative Societies and the other shall be an Advocate having practice experience in the co-operative movement for a period of not less than ten years.*

(2) Any vacancy in the membership of the Tribunal shall be filled by the State Government.

(3) (*a*) The functions of the Tribunal may be exercised by a Bench consisting of all the members of the Tribunal or in the event of the office of a member other than the Chairman being vacant by a Bench consisting of the Chairman and the other member.

(*b*) Where an appeal or application is heard by all the three members of the Tribunal, and the members differ in opinion on any point, the point shall be decided in accordance with the opinion of the majority.

(*c*) Where an appeal or application is heard by a Bench consisting of two members and the members are divided in their opinion, the case shall be referred to the full Bench.

(4) The Appellate Tribunal shall, with the previous sanction of the State Government, make regulations consistent with the provisions of this Act and the rules made thereunder, for regulating its procedure and the disposal of its business.

(5) The regulations made under sub-section (4) shall be published in the official Gazette. "

4. Omission of section 3.—Section 3 of the principal Act shall be omitted.

5. Substitution of new section for section 4.—For section 4 of the principal Act, the following section shall be substituted, namely :—

" **4. Societies which may be registered.**—Subject to the provisions of this Act, a co-operative society which has as its objects the promotion of the economic interests or general welfare of its members, or of the public, in accordance with co-operative principles, or a co-operative society established with the object of facilitating the operations of such a society, may be registered under this Act :

Provided that no co-operative society shall be registered if it is likely to be economically unsound, or the registration of which may have an adverse effect on development of the co-operative movement."

6. Amendment of section 7.—In section 7 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

"(2) If the Registrar is unable to dispose of an application for registration within a period of six months from the date of receipt of the application, he shall make a report to the State Government stating therein the reasons therefor.

(3) Where the Registrar refuses to register a proposed co-operative society, he shall forthwith communicate his decision, with the reasons therefor, to the person making the application and if there be more than one to the person who has signed first in the application.

(4) The Registrar shall maintain a register of all co-operative societies registered or deemed to be registered under this Act."

7. Amendment of section 16.—For sub-section (2) of section 16 of the principal Act, the following sub-sections shall be substituted, namely:—

" (2) No co-operative society shall, without sufficient cause, refuse admission to membership to any person duly qualified therefor under the provisions of this Act and its bye-laws.

(3) Any person seeking admission as a member of any co-operative society shall make an application in writing for admission as a member of such society.

(4) Every co-operative society shall within three months from the date on which application for admission was delivered to such society either admit or refuse to admit any such person as a member, and shall send a written communication of such admission or refusal to the applicant before the said period. If no Communication of refusal of admission as a member is received by the applicant before the expiry of the said period, his application for admission shall be deemed to have been refused by the co-operative society on the last day of the said period for purposes of section 105A"

8. Amendment of section 17.—In sub-section (3) section 17 of the principal Act,—

(i) for the words "No individual", the words "Subject to the general or special orders of the Registrar published in the official Gazette, no individual" shall be substituted ;

(ii) the words "without the general or special sanction of the Registrar" shall be omitted.

9. Amendment of section 20.—In section 20 of the principal Act,—

(1) for clause (*a*) of the proviso, the following clause shall be substituted, namely :—

"(*a*) a nominal or associate member, or a member who is a defaulter, shall not have the right of vote ;"

(2) the following explanation and illustration shall be added at the end, namely :—

" *Explanation* :—A member shall be deemed to be a defaulter and shall not have the right of vote at a meeting of the society if he has failed to pay any arrears of any kind due by him to the society at least one month before the date of such meeting, after a notice of not less than two months in this behalf has been issued to him.

Illustration.—Whereas meeting of a society is on 1st day of September of any year, the notice should be issued

to the member before 1st day of June and the payment of the arrears should be made by the member before 1st day of August."

10. Amendment of section 29.—In section 29 of the principal Act,—

(1) in sub-section (1), for the words "shall have the right to nominate not more than three members", the words and figures "shall notwithstanding anything contained in this Act or the rules or the bye-laws of the co-operative society, but subject to any notification or order, for the time being in force, issued or made under section 54 or 121, have the right to nominate as its representatives not more than three persons" shall be and shall be deemed always to have been, substituted ;

(2) for sub-section (2), the following sub-sections shall be and shall be deemed always to have been substituted namely :—

"(2) A person nominated as a member of a committee of a co-operative society under sub-section (1) (hereinafter in this section referred to as 'nominated member') shall hold office as such member during the pleasure of the State Government.

(3) Subject to the provisions of sub-section (2), a nominated member shall hold office as such member for such period as the State Government, or the specified authority, may by order specify.

(4) Where an officer of the the State Government is nominated as a member of a Committee under sub-section (1), such officer may be nominated by virtue of his office, and when any such nomination is made, such officer may, if unable to be present himself at any meeting of the Committee, depute a subordinate officer to the meeting as his representative and such subordinate officer shall be deemed to be the person nominated as a representative of the State Government for purposes of such meeting.

(5) A nominated member shall observe and follow the orders, instructions and directions of the State Government in discharging his duties as such member".

11. Amendment of section 57.—In section 57 of the principal Act,—

(1) after sub-section (2), the following sub-section shall be substituted, namely :—

"(2A) No co-operative society shall pay a dividend to its members on their paid up share capital at a rate exceeding the prescribed limit."

(2) in sub-section (3),—

(*i*) after the words "net profits may" the words, brackets and figure "subject to the provisions of sub-section (4)" shall be inserted ;

(*ii*) clauses (*a*) and (*b*) shall be omitted.

(3) after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) (*a*) Every co-operative society which declares the payment of a dividend to its members on their paid up share capital at a rate not less than three per cent shall contribute towards the Co-operative Education Fund of such State Federal Society which may be notified in this behalf by the State Government at such rate as may be prescribed.

(*b*) No co-operative society which is liable to contribute towards the Co-operative Education Fund shall pay a dividend to its members unless the said contribution is made to the State Federal Society notified as aforesaid."

12. Amendment of section 71.— After sub-section (3) of section 71 of the principal Act, the following sub-section shall be inserted, namely :—

"(3A) When a dispute is referred to an arbitrator under clause (*c*) of sub-section (1), the award shall, subject to such rules as may be prescribed, include the fee payable to the arbitrator and the fees and expenses payable to the Registrar. Such an award shall not be invalid merely on the ground that it was made after the expiry of the period fixed

for deciding the dispute by the Registrar, and shall, subject to appeal or revision, be binding on the parties to the dispute."

13. Substitution of the words "Land Development Bank" and "Land Development Banks" respectively for the words "Land Mortgage Bank" and "Land Mortgage Banks" in Chapter XI.—In Chapter XI of the principal Act, for the words "Land Mortgage Bank" and "Land Mortgage Banks", wherever they occur, the words "Land Development Bank" and "Land Development Banks" shall respectively be substituted.

14. Insertion of new sections 76A and 76B.—After section 76 of the principal Act, the following sections shall be inserted, namely :—

"**76A. Application of Chapter to Land Development Banks.**—This Chapter shall apply to co-operative banks advancing loans, other than short term loans, for the purposes herein enumerated (hereinafter referred to as "Land Development Banks"), that is to say—

(*i*) land improvement and productive purposes ;

(*ii*) the erection, rebuilding or repairing of houses for agricultural purposes ;

(*iii*) the purchase or acquisition of title to agricultural lands by agriculturists or by tenant purchasers or tenants under the Bombay Tenancy and Agricultural Lands Act, 1948 or any corresponding law for the time being in force in any part of the State ; or

(*iv*) the liquidation of debts under the Bombay Agricultural Debtors Relief Act, 1947, or any corresponding law for the time being in force in any part of the State.

Explanation 1.—For the purposes of this section, short term loan means a loan for a duration of less than eighteen months.

Explanation 2.—Land improvement and productive purposes mean any work, construction or activity which adds to the productivity of the land and, in particular, includes the following, that is to say—

(*a*) construction and repair of wells (including tube wells), tanks and other works for the storage, supply or distribution of water for the purpose of agriculture, or for the use of men and cattle employed in agriculture ;

(*b*) renewal or reconstruction of any of the foregoing works, or alterations therein, or additions thereto ;

(*c*) preparation of land for irrigation ;

(*d*) drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes, or waste land which is culturable ;

(*e*) bunding and similar improvements ;

(*f*) reclamation, clearance and enclosure or permanent improvement of land for agricultural purposes ;

(*g*) horticulture ;

(*h*) purchase of oil-engines, pump sets and electrical motors for any of the purposes mentioned herein ;

(*i*) purchase of tractors or other agricultural machinery ;

(*j*) increase of the productive capacity of land by addition to it of special variety of soil ;

(*k*) construction of permanent farm-houses, cattle-sheds, and sheds for processing of agricultural produce at any stage ;

(*l*) purchase of machinery for crushing sugarcane, manufacturing gur or Khandsari or sugar ;

(*m*) purchase of land for consolidation of holdings under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 or any

corresponding law for the time being in force in any part of the State ;

(*n*) such other purposes as the State Government may, from time to time, by notification in the official Gazette, declare to be improvement or productive purpose for the purposes of this Chapter.

76B. State and other Land Development Banks.—(1) There shall be a State Land Development Bank for the State of Mysore, and as many Primary Land Development Banks as may be deemed necessary.

(2) A reference to Land Mortgage Bank in any law, or instrument, for the time being in force in the State, shall, with effect from the commencement of the Mysore Co-operative Societies (Amendment), Act, 1964 be construed as a reference to a Land Development Bank within the meaning of this Chapter.

(3) With effect from the commencement of the Mysore Co-operative Societies (Amendment) Act, 1964 and until such time as the names of the Land Mortgage Banks and societies functioning in the State at the commencement of the said Act are changed into Land Development Banks, all acts done by them or mortgages and other documents executed by them, or in their favour, and all suits and other proceedings filed by or against them shall be deemed to have been done, executed or filed, as the case may be, by or against them as Land Development Banks."

15. Substitution of new section for section 79.—For section 79 of the principal Act, the following section shall be substituted, namely :—

"**79. Issue of debentures.**—(1) With the previous sanction of the State Government and the Trustee, and subject to such terms and conditions as the State Government may impose, the State Land Development Bank in the discharge of its function as a Land Development Bank may issue debentures of such denominations, for such period, and at such rates of interest, as it may deem expedient on

the security of mortgages, or mortgages to be acquired or partly on mortgages held and partly to be acquired, and properties and other assets of the Land DevelopmentBanks.

(2) Every debenture may contain a term fixing a period not exceeding thirty years from the date of issue during which it shall be redeemable, or reserving to the committee the right to redeem at any time in advance of the date fixed for debenture not less than three months' notice in writing.

(3) The total amount due on debentures issued by the State Land Development Bank, and outstanding at any time, shall not exceed—

(*a*) where debentures are issued against mortgages held, the aggregate of—

(*i*) the amounts due on the mortgages ;

(*ii*) the value of the properties and other assets transferred or deemed to have been transferred under section 85 by the Primary Land Development Banks to the State Land Development Bank and subsisting at such time ; and

(*iii*) the amounts paid under the mortgages aforesaid and the unsecured amounts remaining in the hands of the State Land Development Bank or the Trustee at the time ;

(*b*) where debentures are issued otherwise than on mortgages held, the total amount as calculated under clause (a) increased by such portion of the amount obtained on the debentures as is not covered by a mortgage ".

16. Insertion of new sections 82A, 82B, and 82C.— After section 82 of the principal Act, the following sections shall be inserted, namely :—

"**82A. Powers of Land Development Banks to advance loans and to hold lands.**—Subject to the provisions of this

Act and the rules made thereunder, it shall be competent for the Land Development Banks to advance loans for the purposes referred to in section 76A, and to hold lands the possession of which is transferred to them under the provisions of this Chapter.

82B. Mode of dealing with applications for loans.— (1) When an application for a loan is made for any of the purposes mentioned in section 76A, a public notice shall be given of the application in such manner as may be prescribed calling upon all persons interested to present their objections to the loan, if any, in person, at a time and place fixed therein. The State Government may, from time to time, prescribe the persons by whom such public notice shall be given and the manner in which the objections shall be heard and disposed of.

(2) The prescribed officer shall consider every objection submitted under sub-section (1) and make an order in writing either upholding or overruling it :

Provided that, when the question raised by an objection is in the opinion of the officer one of such a nature that it cannot be satisfactorily decided except by a civil court, he shall postpone the proceedings on the application until the question has been so decided.

(3) A notice under sub-section (1), published in the manner prescribed, shall, for the purpose this Act be deemed to be proper notice to all persons having or claiming interest in the land to be improved, or offered as security for the loan.

(4) Subject to such rules as may be prescribed, the Land Development Banks shall consider such application after due enquiry for the purpose of making loans under this Chapter.

82C. Order granting loan conclusive of certain matters.— A written order by the Land Development Bank, or persons or committees authorised under the bye-laws of the Bank to make loans for all or any of the purposes specified in

section 76A, granting, either before or after the commencement of The Mysore Co-operative Societies (Amendment) Act, 1964. Act, a loan to or with the consent of a person mentioned therein, for the purpose of carrying out the work specified therein for the benefit of the land or for the productive purpose specified therein, shall for the purposes of this Act be conclusive of the following matters, that is to say,—

(*a*) that the work described or the purpose for which the loan is granted, is an improvement or productive purpose, as the case may be, within the meaning of section 76A ;

(*b*) that the person had at the date of the order a right to make such an improvement or incur expenditure for productive purpose, as the case may be ; and

(*c*) that the improvement is one benefiting the land specified and productive purpose concerns the land offered in security, or any part thereof as may be relevant."

17. Insertion of new section 85A.—After section 85 of the principal Act, the following section shall be inserted, namely:—

"**85A. Registration of mortgage or lease in favour of Land Development Banks.**—Notwithstanding anything contained in the Indian Registration Act, 1908, it shall not be necessary to register mortgages or leases executed in favour of the Land Development Banks, provided that the Land Development Bank concerned sends within such time and in such manner as may be prescribed, a copy of the instrument whereby immoveable property is mortgaged or leased to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the property mortgaged or as the case may be, leased, is situate, and such Registering Officer shall file a copy or copies as the case may be in his Book No. 1 prescribed under section 51 of the Indian Registration Act, 1908."

18. Insertion of new section 86A.—After section 86 of the principal Act, the follwing section shall be inserted, namely:—

" **6A. Recovery of Loans by development banks.**—All loans granted by the Land Development Banks, all interests (if any) chargeable thereon, and costs (if any), incurred in making the same, shall when they become due, be recoverable by the Land Development Bank concerned. "

19. Insertion of new sections 87A and 87B .—After section 87 of the principal Act, the following sections shall be inserted, namely :—

"87A. Mortgages executed by managers of joint Hindu families.—(1) Mortgages, in respect of loans by a Land Development Bank or the State Land Development Bank either before or after the commencement of the Mysore Co-operative Societies (Amendment) Act, 1964 by the manager of a joint Hindu family for the improvement of agricultural land or of the methods of cultivation, or for financing any other means to increase the productivity of the land, or for the purchase of land, shall be binding on every member of such joint Hindu family, notwithstanding any law to the contrary.

(2) In other cases, where a mortgage executed in favour of a Land Development Bank or State Land Development Bank either before or after the commencement of the Mysore Co-operative Societies (Amendment) Act, 1964, is called in question on the ground that it was executed by the manager of a joint Hindu family for a purpose not binding on the members (whether such members have attained majority or not) thereof, the burden of proving the same shall, notwithstanding any law to the contrary, lie on the party alleging it.

87B. Restrictions on lease.—(1) Notwithstanding anything contained in the Transfer of Property Act, 1882 or any other law for the time being in force, no mortgagor of

property mortgaged to a Land Development Bank, shall except with the prior consent in writing of the bank, and subject to such terms and conditions as the bank may impose, lease or create any tenancy rights on any such property:

Provided that the rights of the Land Development Bank shall be enforceable against the tenant purchaser, the lessee or the tanant, as the case may be, as if he himself were a mortgagor.

(2) Where land mortgaged with possession to a Land Development Bank, is in actual possession of a tenant, the mortgagor or the Land Development Bank shall give notice to the tenant to pay rent to the Land Development Bank during the currency of the lease and the mortgage, and on such notice being given, the tenant shall be deemed to have attorned to the Land Development Bank."

20. Amendment of section 89.—In section 89 of the principal Act, for sub- section (3), the following sub-section shall be substituted, namely :—

"(3) Notwithstanding anything contained in any law for the time being in force, it shall be lawful for a primary Land Development Bank or the State Land Development Bank to purchase any mortgaged property sold under this Chapter."

21. Insertion of new sections 89A, 89B, 89C, 89D, 89E, 89F, 89G and 89H.—After section 89 of the principal Act, the following sections shall be inserted, namely :—

"**89A. Confirmation of sale.**—(1) On effecting the sale by a Land Development Bank under section 89, the bank shall, in the prescribed manner submit to the State Land Development Bank and the Registrar a report setting forth the manner in which the sale has been effected and the result of the sale, and the State Land Development Bank may, with the approval of the Registrar, confirm the sale or cancel it.

(2) Where the sale is effected by the State Land Development Bank or the Trustee under section 89, the State Land Development Bank or the Trustee, as the case may be, shall in the prescribed manner submit to the Registrar a report setting forth the manner in which the sale has been effected and the result of the sale, and the Registrar may confirm or cancel the sale.

89B. Disposal of sale-proceeds.—The proceeds of every sale effected under section 89 and confirmed under section 89A, shall be applied first in payment of all costs, charges and expenses incurred in connection with the sale or attempted sales, secondly in payment of any or all interest due on account of the mortgage in consequences whereof the mortgage property was sold, and thirdly in payment of the principal due on account of the mortgage including costs and charges incidental to the recovery.

If there remain any residue from the proceeds of sale, the same shall be paid to the person proving himself interested in the property sold, or if there are more such persons than one, then to such persons upon their joint receipt or according to their respective interest therein, as may be determined by Land Development Bank:

Provided that, before any such payments are made the unsecured dues owing,

(*a*) from the mortgagor to the Land Development Bank may be adjusted, and

(*b*) from any member or past member to whom the mortgagor is indebted may also be adjusted under the written authority given by such member and past member, and after holding such inquiry as may be deemed necessary.

89C. Certificate to purchase, delivery of property and title of purchaser.—(1) Where a sale of mortgaged property has become absolute under section 89A and the sale-proceeds have been received in full by the Land Development Bank, the bank shall grant a certificate to the purchaser in the prescribed form certifying the property sold, the sale-price, the date of its sale, the name of the person who at the time

of the sale is declared to be the purchaser, and the date on which the sale became absolute; and upon the production of such certificate the Sub-Registrar appointed under the Indian Registration Act, 1908, within the limits of whose jurisdiction the whole or any part of the property specified in the certificate is situated, shall enter the contents of such certificate in his register relating to immovable property.

(2) (*a*) Where the mortgaged property sold is in the occupancy of the mortgagor, or of some person on his behalf, or some person claiming under a title created by the mortgagor, subsequent to the mortgage in favour of the State Land Development Bank or a Land Development Bank and a certificate in respect thereof has been granted under the foregoing sub-section, the Deputy Commissioner shall, on the application of the purchaser, order delivery to be made by putting such purchaser or any person whom he may appoint to receive delivery on his behalf, in possession of the property.

(*b*) Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same, and a certificate in respect thereof has been granted under the foregoing sub-section, the Deputy Commissioner shall, on the application of the purchaser and after notice to such tenants or other persons, order the delivery to be made by affixing copy of the certificate of sale in a conspicuous place on the property and proclaiming to the occupant by beat of drum or other customary mode at some convenient place, that the right, title and interest of the mortgagor have been transferred to the purchaser.

(3) Where any property is sold in the exercise or purported exercise of a power of sale under section 69, the title of the purchaser shall not be questioned on the ground that the circumstances required for authorising the sale had not arisen, or due notice of the sale was not given, or the power of sale was otherwise improperly or irregularly exercised:

Provided that, any person who suffers damage on account of unauthorised, improper or irregular exercise of

such power shall have a remedy in damages against the Land Development Bank."

89D. Recovery of loans on certificate by Registrar.—(1) Notwithstanding anything contained in sections 70 and 71, on an application made by a Land Development Bank for the recovery of arrears of any sum advanced by it to any of its members and on its furnishing a statement of accounts in respect of the arrears, the Registrar may, after making such enquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

(2) A certificate by the Registrar under sub-section (1) shall be final and conclusive as to the arrears due. The arrears stated to be due therein shall be recoverable according to the law for the time being in force for the recovery of arrears of land revenue.

(3) It shall be lawful to the Deputy Commissioner to take precautionary measures authorised by section 188 of the Mysore Land Revenue Act, 1964 or any law or provision corresponding thereto for the time being in force until the arrears due to the Land Development Bank together with interest and any incidental charges incurred in the recovery of such arrears, are paid or security for payment of such arrears, is furnished to the satisfaction of the Registrar.

(4) It shall be competent for the Registrar or a person authorised by him to direct conditional attachment of the property of the mortgagor until the arrears due to the Land Development Bank together with interest and incidental charges incurred in recovery of such arrears, are paid or security for payment of such arrears is furnished to the satisfaction of the Registrar and the provisions of section 95 shall apply *mutatis mutandis* to conditional attachment of any property made or to be made under this section.

89E. Deputy Commissioner to make recoveries during a certain period.—(1) During such period as the State Government may by general or special order notify in the official Gazette, it shall be competent for the Deputy Commissioner

on application being made to him in that behalf by a Land Development Bank, to recover all sums due to the Land Development Bank (including the cost of such recovery).

(2) Any amount due to a Land Development Bank shall be recoverable by the Deputy Commissioner or any officer specially authorised by the Deputy Commissioner in this behalf, in all or any of the following modes, namely :—

(*a*) from the borrower—as if they were arrears of land revenue due by him;

(*b*) out of the land for the benefit of which the loan has been granted according to the procedure for the realisation of land revenue by the sale of immovable property;

(*c*) from a surety (if any) as if they were arrears of land revenue due by him;

(*d*) out of the property comprised in the collateral security (if any) according to the procedure for the realisation of land revenue by the sale of immovable property.

89F. Officers of banks not to bid at sales.—At any sale of movable or immovable property, held under the provisions of this Chapter, no officer or employee of a Land Development Bank or the State Land Development Bank, except on behalf of the bank of which he is an officer or an employee, and no person having any duty to perform in connection with such sale, shall either directly or indirectly bid for or acquire or attempt to acquire any interest in such property.

89G. Section 40 of Bombay Act 28 of 1947 not to apply to alienation in favour of Land Development Banks.—Nothing contained in section 40 of the Bombay Agricultural Debtors Relief Act, 1947, or any corresponding law for the time being in force in any part of the State shall apply to any alienation in favour of the Land Development Banks.

89H. Provision for Guarantee Funds to meet certain losses.—(1) It shall be competent for the State Government

to constitute one or more Guarantee Funds on such terms and conditions as it may deem fit, for the purpose of meeting losses that might arise as a result of loans being made by the Land Development Banks on titles to immovable property subsequently found to be defective or for any other purpose under this Chapter, for which in the opinion of the State Government, it is necessary to provide for or create a separate Guarantee Fund.

(2) The State Land Development Bank and the Land Development Banks shall contribute to such funds at such rate as may be prescribed, and the constitution, maintenance and utilisation of such Funds shall be governed by such rules as may be made by the State Government in this behalf."

22. **Substitution of new section for section 98.**—For section 98 of the principal Act, the following section shall be substituted, namely :—

"98. **Power to committee of State Land Development Bank to supervise Land Development Banks and make regulations** — The committe of the State Land Development Bank shall have a general power of supervision over Land Development Banks and may, with the previous sanction of the State Government, by notification in the official Gazette make regulations, not inconsistent with this Act or the rules made thereunder, for all or any of the following matters namely :—

(*a*) for the inspection of the account books and proceedings of Land Development Banks;

(*b*) for the submission of returns and reports by such banks in respect of their transactions;

(*c*) for the periodical settlement of accounts between such banks and the State Land Development Bank being accounts relating to the payment of the amounts recovered by such banks on mortgages transferred to the State Land Development Bank;

(*d*) for the form in which applications to such banks for loans shall be made and for the valuation of properties offered as security for such loans;

(*e*) for the investment of moneys realised from the mortgagors ;

(*f*) the conditions of service of employees of such banks ;

(*g*) the programme and policy to be followed by such banks for making loans ;

(*h*) the types and extent of security to be obtained by such banks for advancing loans ;

(*i*) generally, for the purpose of safeguarding the interest of the parties, furtherance of activities of such banks, and carrying out the purposes of this Chapter."

23. Insertion of new sections 101A and 101B.—After section 101 of the principal Act, the following sections shall be inserted, namely :—

"**101A. Transfer of property made after issue of certificate void against co-operative society.**—Any private transfer or delivery of, or encumbrance or charge on, property made or created after the issue of the certificate of the Registrar or any person authorised by him in this behalf under section 101 shall be null and void as against the co-operative society on whose application the said certificate was issued.

101B. Transfer of property which cannot be sold.—(1) When in any execution of an order sought to be executed under section 101, any property cannot be sold for want of buyers, if such property is in the ocupancy of the defaulter, or of some person on his behalf or of some person claiming under a title created by the defaulter after the issue of the certificate by the Registrar or any person authorised by him under section 101, the Court, or the Deputy Commissioner or the Registrar, as the case may be, may, notwithsanding anything contained in any law for the time being in force, on the application of the co-operative society, direct that the said property or any portion thereof shall be transferred in the manner prescribed, to the co-operative society which has applied for the execution of the said order.

(2) Where property is transferred to the co-operative society under sub-section (1) or where the property is sold under section 101, the Court, the Deputy Commissioner or the Registrar, as the case may be, may in accordance with the rules place the society or the purchaser, as the case may be, in possession of the property transferred or sold.

(3) Where the property is transferred to the co-operative society under sub-section (1), the purchase money and the amount due on the decree shall be set off against one another and the Court. the Deputy Commissioner or the Registrar, as the case may be, shall enter satisfaction of the decree in whole or in part accordingly and any amount in excess of the amount due to the co-operative society and the expenses of the sale shall be paid by the defaulter to the said co-operative society.

(4) Where the property is transferred to the co-operative society under sub-section (1), the co-operative society shall on payment by the defaulter within three years from the date of the transfer, the amount of purchase money and the expenses incurred by the co-operative society in respect of the execution of the decree and the management of the property less the income derived by the society from the property, with interest at nine per cent per annum thereon, reconvey the property to the defaulter.

(5) Subject to the general or special orders of the State Government, the Deputy Commissioner or the Registrar may delegate to an officer not below the rank of an Assistant Commissioner or an Assistant Registrar, the powers exercisable by the Deputy Commissioner or the Registrar under this section."

24. Amendment of section 103.—Section 103 of the principal Act shall be re-numbered as sub-section (1) of that section and after the sub-section as so renumbered the following sub-section shall be added, namely :—

"(2) Where the Registrar directs attachment of he potyn under sub-section (1), he shall issue a notice callhr upon the person whose property is so attached to furnish

security which he thinks adequate within a specified period; and if the person fails to provide the security so demanded, the Registrar may confirm the order and after the decision in the dispute or the completion of the proceedings referred to in the foregoing sub-section may direct the disposal of the property so attached towards the claim if awarded.

(3) Attachment made under this section shall not affect the rights, subsisting prior to the attachment of the property, of persons not parties to the proceedings in connection with which the attachment is made, or bar any person holding a decree against the person whose property is so attached from applying for the sale of the property under attachment in execution of such decree."

25. Insertion of new section 104A.—After section 104 of the principal Act, the following section shall be inserted, namely :—

"**104A. Application of this Chapter to Co-operative societies in other States.**—The provisions of this Chapter and all rules made under this Act relating to, or in any manner connected with the recovery of the sum, specified in section 103 shall apply with such modifications if any, as may be directed by the State Government in regard to the recovery of like sums due to co-operative societies registered or deemed to be registered under any law for the time being in force in any State in India notified in this behalf by the State Government in the official Gazette as if such co-operative societies had been registered in the State of Mysore under this Act."

26. Insertion of section 105A.—After section 105 of the principal Act, the following section shall be inserted, namely :—

"**105A. Appeals relating to admission of members to societies.**—(1) Any person who has made an application for admission as a member under sub-section (3) of section 16 may appeal to the Registrar against any refusal of the co-operative society to admit him as a member

or against any failure on its part within the period referred to in sub-section (4) of section 16 to admit him as a member or to send a notice of its refusal to admit.

(2) Every appeal under sub-section (1) shall be made by a petition in writing within two months from the date of receipt by the person seeking admission of the communication of refusal, or within two months from the date on which the admission shall be deemed to have been refused under sub section (4) of section 16 as the case may be. Such appeal shall be accompanied by a fee of rupees five.

(3) The Registrar shall, after causing reasonable notice to be given to the co-operative society and also to the person seeking admission, and giving them a reasonable opportunity to make their representations, if any, in writing, by order, direct either that the person shall be admitted by the co-operative society or that he need not be admitted by the society, and in the former case the co-operative society shall give effect to the decision within ten days of the receipt of the order.

(4) Before making an order under sub-section (3) on an appeal against any refusal of the co-operative society to admit a person as a member, the Registrar may require the co-operative society to disclose to him the reasons for such refusal and on the failure or refusal of the co-operative society to disclose such reasons, the Registrar may presume that the disclosure if made would be unfavourable to the co-operative society.

(5) All proceedings in appeals under this section or in relation thereto shall be confidential, and no suit, prosecution or other legal proceedings shall lie in respect of any allegation made in such proceedings, whether orally or otherwise."

27. **Amendment of section 106.**—In section 106 of the principal Act,—

(1) in sub-section (1), clause (*c*) shall be omitted ;

(2) in sub-section (2)—

(i) for clauses (*a*) and (*b*), the following clauses shall be substituted, namely :—

"(*a*) if the act, decision or order was made by the Registrar, to the State Government ;

(*b*) if the act, decision or order was made by any other officer, to that officer's immediate superior officer;"

(ii) the explanation shall be omitted.

28. Amendment of section 109.—In section 109 of the principal Act,—

(1) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) If default is made in giving effect to the order of the Registrar within the period specified in sub-section (3) of section 105A, the co-operative society and every officer of the society who is in default shall be punishable with fine which may extend to one thousand rupees or with further fine which may extend to one hundred rupees for every day after the first during which the default continues."

(2) in sub-section (5), for the word, brackets and figure "sub-section (2)," the word, brackets and figure "sub-section (4)" shall be substituted.

29. Amendment of section 115.—In section 115 of the principal Act,—

(1) for the heading, the words "**Amendment of bye-laws of co-operative societies in certain circumstances**" shall be substituted ;

(2) in sub-section (1), the words "deemed to be registered under this Act" shall be omitted.

30 Substitution of new section for section 117.—For section 117 of the principal Act, the following section shall be substituted, namely:—

"117. Procedure for settlement of disputes and power of the Registrar or any other person to whom a dispute is referred

for decision under section 70.—(1) The Registrar or any other person to whom a dispute is referred for decision under section 70, hearing a dispute under section 71 shall hear the dispute in the manner prescribed, and shall have power to summon and enforce attendance of witnesses including the parties interested or any of them and to compel them to give evidence on oath, affirmation or affidavit, and to compel the production of documents by the same means and as far as possible in the same manner, as is provided in the case of a civil court by the Code of Civil procedure, 1908.

(2) Except with the permission of the Registrar or any other person deciding a dispute, as the case may be, no party shall be represented at the hearing of a dispute by a legal practitioner.

(3) (a) If the Registrar or any other person to whom a dispute is referred is satisfied that a person, whether he be a member of the co-operative society or not, has acquired any interest in the property of a person who is a party to a dispute, he may order that the person who has acquired the interest in the property may join as a party to the dispute; and any decision that may be passed on the reference by the Registrar or his nominee or any other person shall be binding on the party so joined, in the same manner as if he were an original party to the dispute.

(b) Where a dispute has been instituted in the name of the wrong person, or where all the defendants have not been included, the Registrar or any other person to whom a dispute is referred for decision under section 70 may, at any stage of the hearing of the dispute, if satisfied that the mistake was *bona fide*, order any other person to be substituted or added as a plaintiff or a defendant, upon such terms as he thinks just.

(c) The Registrar or any other person to whom a dispute is referred for decision under section 70, may, at any stage of the proceedings, either upon or without the application of any party and on such terms as may appear to the Registrar, or any other person deciding a dispute,

as the case may be to be just, order that the name of any party improperly joined whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined whether as plaintiff or defendant or whose presence before the Registrar, or any other person deciding a dispute under section 70, as the case may be, may be necessary in order to enable the Registrar or such person effectually and completely to adjudicate upon and settle all the questions involved in the dispute, be added.

(*d*) Any person who is a party to the dispute and entitled to more than one relief in respect of the same cause of action may claim all or any of such reliefs; but if he omits to claim for all such reliefs, he shall not forward a claim for any relief so omitted, except with the leave of the Registrar or any other person to whom a dispute is referred for decision under section 70."

31. Amendment of section 129.—In section 129 of the principal Act,—

(1) in sub-section (2),—

(i) for clause (*k*), the following clause shall be substituted, namely:—

"(*k*) conduct of elections to the committees of co-operative societies by the general body including the appointment of Returning Officers and the powers and functions of such Returning Officers;";

(ii) at the end of clause (*n*), a coma and the words " the authority competent to decide questions of disqualification and appeals from such decisions;" shall be added;

(iii) for clause (*o*), the following clause shall be substituted, namely:—

"(*o*) the recruitment and conditions of service of employees of co-operative societies;"

(iv) in clause (*z*), after the words "deciding disputes", the words, "and the fees payable to arbitrators" shall be added;

(v) for clause (*bb*), the following clause shall be substituted, namely:—

"(*bb*) the procedure for recovery of amounts due or payable to a co-operative society and for the transfer of property; under section 101-B"

(vi) for clause (*dd*), the following clauses shall be substituted, namely:—

"(*dd*) the procedure and conditions for the issue, redemption, re-issue, transfer, replacement or conversion of debentures issued by a society to which Chapter XI is applicable;

(*dd*-1) the maximum amount of principal, the rate of interest and other conditions for the guarantee of debentures issued by a society to which Chapter XI is applicable;

(*dd-2*) the qualifications and methods of appointment of an officer to effect sale under section 89 and the powers and function which such an officer may exercise;

(*dd*-3) for the appointment of a receiver of the produce and income of the mortgaged property for sale under section 89, the conditions in which he may be appointed or removed, the powers and functions which he may exercise. and the expenses of management and remuneration which he may receive;

(*dd-4*) the circumstances in which action may be taken by a Land Development Bank against a mortgagor under section 91;

(*dd-5*) in case of sale of immovable property under Chapter XI—

(i) the procedure for proclamation and conduct of the sale and the conditions on which a proposed of sale may be abandoned;

(ii) the method of calculating the expenses incidental to the sale or proposed sale;

(iii) the procedure for the receipt of deposit and disposal of the proceeds of sale ;

(iv) the procedure for a resale if a proposed sale is abandoned or the purchase money is not deposited within the prescribed time and the penalty to be levied against the purchaser who fails so to deposit the purchase money ;

(v) the form and method of disposal of money by a Land Development Bank under section 89B;

(vi) the form of sale certificate under section 89C;

(vii) the procedure for the delivery by the Court to the purchaser of the property purchased under section 89C;

(viii) the form of the notice referred to in section 97 ; and

(ix) the fee payable for the service of such notices and manner of serving such notices on, the land lord named in such notices ;

(*dd-6*) the time within which and the procedure according to which property purchased by a Land Development Bank at a sale of immovable property under Chapter XI shall be disposed of by the Bank ;"

(vii) after clause (*kk*), the following clause shall be added, namely :—

(*ll*) any other matter necessary for giving effect to the purposes of this Act."

(2) after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in

a statement laid before both Houses of the State Legislature. Subject to any modification made under section 130, every rule made under this Act shall have effect as if enacted in this Act."

32. Proceedings relating to the Mysore Revenue Appellate Tribunal.—(1) All appeals under section 105 and proceedings in revision under section 107 of the principal Act pending before the Mysore Revenue Appellate Tribunal immediately before the date of commencement of this Act shall with effect from the said date, stand transferred to the Co-operative Appellate Tribunal constituted under section 2B of the principal Act and such appeals and proceedings shall be disposed of by the said Tribunal as if the said appeals or proceedings had been preferred to or commenced before the said Tribunal.

(2) Notwithstanding anything contained in any law with effect from the date of commencement of this Act,—

(*a*) no appeal or other proceeding shall be preferred to or commenced before the Mysore Revenue Appellate Tribunal in respect of any matter referred to in sections 105 and 107 of the principal Act;

(*b*) any appeal or other proceedings under section 105 or section 107 of the principal Act shall be preferred to or commenced before the Co-operative Appellate Tribunal constituted under section 2B of the principal Act.

33. Powers to remove difficulties:—If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act, the State Government may by notification in the official Gazette make such provisions as appear to it to be necessary or expedient for removing the difficulty.

ANNEXURE

Extracts from the Mysore Co-operative Societies Act, 1959

2. Definitions.—In this Act, unless the context otherwise requires,—

(*i*) 'Registrar' means a person appointed to perform the functions of the Registrar of Co-operative Societies under this Act, and includes any person appointed to assist the Registrar when exercising all or any of the powers of the Registrar ;

(*k*) 'Tribunal' means the Mysore Revenue Appellate Tribunal constituted under the Mysore Revenue Appellate Tribunal Act, 1957 ;

3. Registrar.—(1) The State Government may appoint a person to be the Registrar of Co-operative Societies for the State and may appoint other persons to assist him.

(2) The State Government may, by general or special order, confer on any person appointed to assist the Registrar all or any of the powers of the Registrar under this Act.

(3) Every person appointed to assist the Registrar shall exercise the powers conferred on him under sub-section (2) subject to the general superintendence and control of the Registrar.

(4) Notwithstanding anything contained in this Act, matters relating to the audit of accounts of every co-operative society shall be subject to the supervision and control of the Registrar of Co-operative Societies for the State.

4. Societies which may be registered.—Subject to the provisions of this Act, a co-operative society which has as its objects the promotion of the economic interests of its members in accordance with co-operative principles, or a co-operative society established with the object of facilitating the operations of such a society, may be registered under this Act.

7. Registration.—(1) If the Registrar is satisfied—

(*a*) that the application complies with the provisions of this Act and the rules;

(*b*) that the objects of the proposed society are in accordance with section 4;

(*c*) that the aims of the proposed society are not inconsistent with the principles of social justice;

(*d*) that the proposed bye-laws are not contrary to the provisions of this Act and the rules; and

(*e*) that the proposed society complies with the requirements of sound business and has reasonable chances of success;

the Registrar may register the co-operative society and its bye-laws.

(2) Where the Registrar refuses to register a co-operative society, he shall communicate the order of refusal together with the reasons therefor to such of the applicants as may be prescribed.

16. Persons who may become members.—(1) No person shall be admitted as a member of a co-operative society except the following, namely,—

(*a*) an individual competent to contract under section 11 of the Indian Contract Act, 1872 (Central Act IX of 1872);

(*b*) any other co-operative society ;
(*c*) the State Government ; and
(*d*) the State Warehousing Corporation established under the Agricultural Produce (Development and Warehousing Corporations) Act 1956 (Central Act 28 of 1956), in the case of a co-operative society engaged in the storage or warehousing of agricultural produce.

(2) Where a person is refused admission as a member in a co-operative society, the decision refusing admission along with the reasons therefor shall be communicated by the society to that person within seven days from the date of the decision.

17. Disqualification for membership.—(1)

(3) No individual being a member of a co-operative credit society, shall be eligible for admission as a member of any other such society without the general or special sanction of the Registrar.

Explanation.—For purposes of this sub-section "co-operative credit society" means a co-operative society which lends or gives credit to its members whether in cash or in kind.

20. Votes of members.—Every member of a co-operative society shall have one vote in the affairs of the society :

Provided that,—

(*a*) a nominal or associate member shall not have the right of vote ;
(*b*) where the State Government is a member of the co-operative society, each person nominated by the State Government on the Committee of the co-operative society shall have one vote.

29. Nominees of the Government on the Committee of a Co-operative Society.—(1) Where the State Government—

(*a*) has subscribed to the share capital of a co-operative society, or

(*b*) has assisted indirectly in the formation or augmentation of the share capital of a co-operative society as provided in Chapter VI, or

(*c*) has guaranteed the repayment of principal and payment of interest on debentures issued by a co-operative society, or

(*d*) has guaranteed the repayment of principal and payment of interest on loans and advances to a co-operative society,

the State Government or any authority specified by the State Government in this behalf, shall have the right to nominate not more than three members or one-third of the total number of members of the committee of the co-operative society, whichever is less.

(2) A member nominated on the committee of a co-operative society under sub-section (1), shall hold office during the pleasure of the State Government or the specified authority, as the case may be.

57. Net profits and their disposal.—(1) The net profits of co-operative societies shall be determined in accordance with such rules as may be prescribed and different rules may be made for different classes of co-operative societies.

(2) A co-operative society shall, out of its net profits, in any year transfer an amount not being less than twenty-five per cent of the profits to the reserve fund.

(3) The balance of the net profits may be utilised for al or any of the following purposes, namely—

(*a*) payment of devidend to members on their paid-up share capital at a rate not exceeding the prescribed limit;

(*b*) payment of such percentage of the net profits as may be specified in the bye-laws to the Co-operative Education Fund constituted under the rules ;

(*c*) payment of bonus to members on the amount or volume of business done by them with the society to the extent and in the manner specified in the bye-laws :

Provided that no bonus shall be payable to members in a credit society ;

(*d*) constitution of, or contributions to, such special funds as may be specified in the bye-laws ;

(*e*) donations of amounts not exceeding ten per cent of the net profits for any charitable purpose as defined in section 2 of Charitable Endowments Act, 1890 (Central Act VI of 1890) ; and

(*f*) payment of bonus to employees of the society, to the extent and in the manner specified in the bye-laws :

Provided that the bonus payable in any year to any employee shall not exceed two months' pay.

71. Disposal of disputes.—(1) The Registrar may, on receipt of the reference of a dispute under section 70,—

(*a*) decide the dispute himself, or

(*b*) transfer it for disposal to any person who has been invested by the State Government with powers in that behalf, or

(*c*) refer it for disposal to one arbitrator appointed by the Registrar.

(2) The Registrar may withdraw any reference transferred under clause (*b*) of sub-section (1) or referred under clause (*c*) of that sub-section and decide it himself.

(3) The Registrar or any other person to whom a dispute is referred for decision under this section may, pending the decision of the dispute, make such interlocutory orders as he may deem necessary in the interests of justice.

(4) Notwithstanding anything contained in section 70, when any dispute under clause (*a*) or (*b*) of sub-section (1) of the said section is referred for decision to the Registrar, and the Registrar is satisfied on an application by the society concerned that in the interest of the society it is necessary for an effective decision of the dispute to implead persons who cannot be made parties to the dispute in proceedings before him, he may permit the society to institute a regular suit in a Civil Court having jurisdiction and the Civil Court shall be competent to entertain such suit.

CHAPTER XI.

LAND MORTGAGE BANKS.

76. Definitions.—In this Chapter—

(*a*) 'Board' means the Board of Directors of the State Land Mortgage Bank;

(*b*) 'Land Mortgage Bank' means a Co-operative Land Mortgage Bank registered or deemed to be registered under this Act and admitted as a member of the State Land Mortgage Bank;

(*c*) 'State Land Mortgage Bank' means the Mysore Central Co-operative Land Mortgage Bank, Limited;

(*d*) 'Trustee' means the Trustee referred to in section 77.

77. Appointment of Trustee and his powers and functions.—(1) The Registrar, or where the State Government appoints any other person in this behalf, such person, shall be the

Trustee for the purpose of securing the fulfilment of the obligations of the State Land Mortgage Bank to the holders of debentures issued by the Board.

(2) The powers and functions of the Trustee shall be governed by the provisions of this Act and by the instrument of trust executed between the Bank and the Trustee as modified from time to time by mutual agreement between the Board and the Trustee.

78. Trustee to be a corporation sole.—The Trustee appointed under section 77 shall be a corporation sole by the name of the Trustee for the debentures and as such shall have perpetual succession and a common seal and in his corporate name shall sue and be sued.

79. Issue of debentures by the Board.—(1) With the previous sanction of the Trustee, the Board may from time to time issue debentures of one or more denominations for such periods as it may deem expedient, on the security of the mortgages and other assets transferred or deemed under the provisions of section 85 to have been transferred by the Land Mortgage Banks to the State Land Mortgage Bank and other properties of such Bank.

(2) Such debentures may contain a term fixing a period not exceeding fifteen years from the date of issue during which they shall be irredeemable, or reserving to the Board the right to call in at any time any of the debentures in advance of the date fixed for redemption, after giving to the debenture-holder concerned not less than three months' notice, in writing.

(3) The total amount due on the debentures issued by the Board and outstanding at any time shall not exceed the aggregate of—

(*a*) the amounts due on the mortgages and the value of the other assets, transferred or deemed, under the provisions of section 85, to have been transferred by the Land Mortgage Banks to the State Land Mortgages Bank and subsisting at such time; and

(*b*) the amounts paid under the mortgages aforesaid and remaining in the hands of the Board or of the Trustee at that time.

80. Charge of debenture holders on certain properties.—The holders of the debentures shall have a floating charge on—

(*a*) all such mortgages and assets as are referred to in clause (*a*) of sub-section (3) of section 79;

(*b*) the amount paid under such mortgages and remaining in the hands of the Board or of the Trustee; and

(*c*) the other properties of the State Land Mortgage Bank.

81. Guarantee by State Government of principal of, and interest on, debentures.—(1) The principal of, and interest on, the debentures issued under section 79 shall, in respect of such maximum amount as may be fixed by the State Government and subject to such conditions as it may think fit to impose, carry the guarantee of the State Government.

(2) The State Government may, subject to any law of the Legislature of the State, increase the maximum amount of any guarantee given under sub-section (1).

(3) The State Government may, after consulting the Board and the Trustee,—

(*a*) by notification in the official Gazette; and

(*b*) by notice of not less than fourteen days in such of the principal newspapers in the State and of other States in India as the State Government may select in this behalf discontinue any guarantee given by it or restrict the maximum amount thereof or modify the conditions, subject to which it is given, with effect from a specified date, not being earlier than six months from the

date of publication of the notification in the official Gazette:

Provided that the withdrawal, restriction or modification of any guarantee under this sub-section, shall not in any way affect the guarantee carried by any debentures issued prior to the date on which such withdrawal, restriction or modification takes effect.

(4) Every notification and notice referred to in sub-section (3) shall, where the maximum amount of the guarantee is to be restricted, or the conditions subject to which the guarantee is given are to be modified, set forth precisely the scope and effect of the restriction or modification, as the case may be.

82. **Other guarantees by State Government.**—(1) The State Government may by general or special order authorise the grant of loans to members by the State Land Mortgage Bank or the Land Mortgage Banks for the development of land in excess of the loans to which such members may be entitled on the basis of the value of the lands determined in accordance with the principles of valuation approved by the State Government, such excess not exceeding such limits as may be specified in such order.

(2) In respect of loans granted in accordance with sub-section (1), the State Government may guarantee for a specified period the repayment of the loan to the extent of the excess granted to the members.

83. **Priority of mortgage over certain claims.**—A mortgage executed in favour of a Land Mortgage Bank shall have priority over any claim of the Government arising from a loan under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883) or the Agriculturists Loans Act, 1884 (Central Act XII of 1884) granted after the execution of the mortgage.

84. **Right of Land Mortgage Bank or of the State Land Mortgage Bank to purchase mortgaged property.**—(1) Notwithstanding anything contained in any law for the time

being in force, it shall be lawful for the State Land Mortgage Bank or a Land Mortgage Bank to purchase any mortgaged property sold under this Chapter, and the property so purchased shall be disposed of by such bank by sale within such period as may be fixed by the Trustee.

(2) Nothing in any law fixing a maximum limit of agricultural holding shall apply to the acquisition of land by a Land Mortgage Bank or the State Land Mortgage Bank under sub-section (1).

85. **Mortgages executed in favour of Land Mortgage Bank to stand vested in State Land Mortgage Bank.**—The mortgages executed in favour of, and all other assets transferred to a Land Mortgage Bank by the members thereof shall, with effect from the date of such execution or transfer, be deemed to have been transferred by such Land Mortgage Bank to the State Land Mortgage Bank and shall vest in the Trustee.

86. **Power of Land Mortgage Bank to receive moneys and grant discharges.**—Notwithstanding that a mortgage executed in favour of a Land Mortgage Bank has been transferred, or is deemed under the provisions of section 85 to have been transferred, to the State Land Mortgage Bank,—

(*a*) all moneys due under the mortgage shall, in the absence of any specific direction to the contrary issued by the Board or Trustee and communicated to the mortgagor, be payable to the Land Mortgage Bank and such payment shall be as valid as if the mortgage had not been so transferred; and

(*b*) the Land Mortgage Bank shall, in the absence of any specific direction to the contrary issued by the Board or Trustee and communicated to the Land Mortgage Bank, be entitled to sue on the mortgage or take any other proceeding for the recovery of the moneys due under the mortgage.

87. **Right of Land Mortgage Bank to pay prior debts of mortgagor.**—(1) Where a mortgage is executed in favour of

a Land Mortgage Bank for payment of prior debts of the mortgagor, the Bank may, notwithstanding the provisions of sections 83 and 84 of the Transfer of Property Act, 1882 (Central Act IV of 1882) by notice in writing, require any person to whom any such debt is due, to receive payment of such debt or part thereof from the bank at its registered office within such period as may be specified in the notice.

(2) Where any such person fails to receive such notice or such payment, such debt or part thereof, as the case may be, shall cease to carry interest from the expiration of the period specified in the notice:

Provided that where there is a dispute as regards the amount of any such debt, the person to whom such debt is due shall be bound to receive payment of the amount offered by the Land Mortgage Bank towards the debt, but such receipt shall not prejudice the right, if any, of such person, to recover the balance claimed by him.

(3) For purposes of determining the particulars of prior debts referred to in sub-section (1), any officer of the State Land Mortgage Bank or of the Land Mortgage Bank, authorised in this behalf by the State Government by notification in the official Gazette, may, subject to such restrictions, limitations and conditions as may be prescribed, by order in writing require any person to whom any such prior debt may be due, to furnish any information or any document relating to such debt, and thereupon such person shall furnish the information or document so required.

88. **Distraint—When to be made.**—(1) If any instalment payable under a mortgage executed in favour of a Land Mortgage Bank or any part of such instalment has remained unpaid for more than one month from the date on which it fell due, the committee may, in addition to any other remedy available to the Bank, apply to the Registrar for the recovery of such instalment or part thereof by distraint and sale of the produce of the mortgaged land including the standing crops thereon.

(2) On receipt of such application, the Registrar may, notwithstanding anything contained in the Transfer of Property Act, 1882 (Central Act IV of 1882) take action in tha manner prescribed for the purpose of distraining and selling such produce :

Provided that no distraint shall be made after the expiry of twelve months from the date on which the instalment fell due.

(3) The value of the property distrained shall be, as nearly as possible, equal to the amount due and the expenses of the distraint and the costs of the sale.

89. Power of sale when to be exercised.—(1) Notwithstanding anything contained in the Transfer of Property Act, 1882 (Central Act IV of 1882), where a power of sale without the intervention of the court is expressly conferred on the Land Mortgage Bank by the mortgage deed, the committee of such Bank or any person authorised by such committee in this behalf shall, in case of default of payment of the mortgage money or any part thereof, have power, in addition to any other remedy available to the Bank, to bring the mortgaged property to sale without the intervention of the court.

(2) No such power shall be exercised unless and until,—

(*a*) the Board has previously authorized the exercise of the power conferred by sub-section (1), after hearing the objections, if any, of the mortgagor;

(*b*) notice in writing requiring payment of such mortgage money or part has been served upon—

(i) the mortgagor;

(ii) any person who has any interest in or charge upon the property mortgaged or in or upon the right to redeem the same;

(iii) any surety for the payment of the mortgage debt or any part thereof, and

(iv) any creditor of the mortgagor who has in a suit for the administration of his estate obtained a decree for sale of the mortgaged property ; and

(c) default has been made in payment of such mortgage money or part thereof for three months after such service.

(3) No sale of the mortgaged property under this section shall be conducted except in such manner and subject to such conditions including conditions relating to setting aside of the sale on deposit of prescribed amount and confirmation of sale, as may be prescribed.

90. Powers of Land Mortgage Bank where mortgaged property is destroyed or security becomes insufficient.—Where any property mortgaged to a Land Mortgage Bank is wholly or partially destroyed or the security is rendered insufficient and the mortgagor having been given a reasonable opportunity by the committee of the Land Mortgage Bank, of providing further security enough to render the whole security sufficient or of repaying such portion of the loan as may be determined by the committee, has failed to provide such security or to repay such portion of the loan, the whole of the loan shall be deemed to fall due at once and the committee shall be entitled to take action against the mortgagor under section 88 or section 89 for the recovery thereof.

Explanation.—A security is insufficient within the meaning of this section unless the value of the mortgaged property exceeds the amount for the time being due on the mortgage by such proportion as may be specified in the bye-laws of the Land Mortgage Bank.

91. Power of Board or of Trustee to distrain and sell property, etc.—(1) The Board or the Trustee may direct the committee of a Land Mortgage Bank to take action against a defaulter under section 88, section 89 or section 90 and if the committee neglects or fails to do so, the Board or the Trustee may take such action.

(2) (*a*) Where such action is taken by the Board, the provisions of this Chapter and of any rules or regulations made in this behalf shall apply in respect thereto as if all references to the Land Mortgage Bank and to its Committee in the said provisions were references to the State Land Mortgage Bank and the Board, respectively.

(*b*) Where such action is taken by the Trustee, the provisions of this Act and of any rules or regulations made thereunder shall apply in respect thereto as if all references to the Mortgage Bank or to its committee in the said provisions were references to the Trustee.

92. **Title of purchaser not to be questioned on the ground of irregularity, etc.**—Where any property is sold in the exercise or purported exercise of a power of sale under section 89, the title of the purchaser shall not be questioned on the ground that,—

(*a*) the circumstances required for authorising the sale had not arisen, or

(*b*) the power of sale was otherwise improperly or irregularly exercised ;

but any person who has suffered any damage by an unauthorised, improper or irregular exercise of any such power shall have a remedy in damages against the Land Mortgage Bank.

93. **Mortgage not to be questioned on insolvency of mortgagor.**—Notwithstanding anything contained in any law relating to insolvency, a mortgage executed in favour of a Land Mortgage Bank shall not be called in question on the ground that it was not executed in good faith for valuable consideration or on the ground that it was executed in order to give the Land Mortgage Bank a preference over the other creditors of the mortgagor.

94. **Appointment of receiver and his powers.**—(1) The Board may, on the application of a Land Mortgage Bank

and under circumstances in which the power of sale conferred by section 89 may be exercised, appoint in writing a receiver of the produce and income of the mortgaged property or any part thereof and such receiver shall be entitled either to take possession of the property or collect its produce and income, as the case may be, to retain out of any money realised by him, his expenses of management including his remuneration, if any, as fixed by the Board, and to apply the balance in accordance with the provisions of sub-section (8) of section 69-A of the Transfer of Property Act, 1882 (Central Act IV of 1882).

(2) A receiver appointed under sub-section (1) may, for sufficient cause and on application made by the mortgagor, be removed by the Board.

(3) A vacancy in the office of the receiver may be filled up by the Board.

(4) Nothing in this section shall empower the Board to appoint a receiver where the mortgaged property is already in the possession of a receiver appointed by a civil court.

95. Mortgagor's powers to lease.—(1) Notwithstanding anything contained in the Transfer of Property Act, 1882 (Central Act IV of 1882), or any other law for the time being in force, a mortgagor shall not grant a lease of the mortgaged property for a period exceeding five years.

(2) Any lease granted in contravention of the provisions of sub-section (1) shall be void.

96. Delegation of certain powers by Board.—The Board may, if it thinks fit, delegate all or any of its powers under sections 89, 91 and 94 to an executive committee constituted by it and consisting of two or more of its members.

97. Sections 102, 103 and 104 of the Transfer of Property Act, 1882, to apply to notice under this Chapter.—The provisions of sections 102 and 103 of the Transfer of Property Act, 1882 (Central Act IV of 1882), and of any

rules made by the High Court under section 104 of that Act for carrying out the purpose of the said sections, shall apply so far as may be, in respect of all notices to be served under this Chapter.

98. Power of the Board to make regulations.—(1) The Board may, by notification in the official Gazette, subject to the approval of the Trustee, make regulations not inconsistent with the provisions of this Act or the rules—

(*a*) for fixing the period of debentures and the rate of interest payable thereon,

(*b*) for calling in debentures after giving notice to debenture holders;

(*c*) for the issue of new debentures in place of debentures damaged or destroyed;

(*d*) for converting one class of debentures into another bearing a different rate of interest;

(*e*) for the inspection of the account books and proceedings of Land Mortgage Banks,

(*f*) for submission of returns and reports by Land Mortgage Banks in respect of their transactions:

(*g*) for the periodical settlement of accounts between Land Mortgage Banks and for the payment of the amounts recovered by Land Mortgage Banks on mortgages transferred or deemed under the provisions of section 85 to have been transferred to the State Land Mortgage Bank;

(*h*) for specifying the form in which applications to Land Mortgage Banks for loans should be made and for the valuation of the properties offered as security for such loans;

(*i*) for the investment of moneys realised from mortgages;

(*j*) generally for the purpose of carrying out the provisions of this Chapter.

101. Execution of orders, etc.—Every order made by the Registrar under sub-section (2) of section 69 or under section 99, every decision or award made under section 71, every order made by the Liquidator under section 74 and every order made by the Tribunal under sections 105 and 107, and every order made under section 106 or 108 shall subject to any other provision of this Act be binding on the person or co-operative society against whom the order, decision or award has been obtained or passed and shall, if not carried out,—

(*a*) on a certificate signed by the Registrar, or any person authorised by him in this behalf, be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court; or

(*b*) be executed according to the law and under the rules for the time being in force for the recovery of arrears of land revenue:

Provided that an application for the recovery in such manner of any sum shall be made,—

(i) to the Deputy Commissioner and shall be accompanied by a certificate signed by the Registrar or by any person authorised by him in this behalf;

(ii) within twelve years from the date fixed, in the order, decision or award, and if no such date is fixed from the date of the order, decision or award, as the case may be; or

(*c*) be executed by the Registrar or any other person subordinate to him empowered by the Registrar in this behalf, by the attachment and sale or sale without attachment of any property of the person or a co-operative society against whom the order, decision or award has been obtained or passed.

103. Attachment of property before award or order.—If the Registrar is satisfied on an application, report, enquiry or otherwise, that any person with intent to delay or obstruct the enforcement of any order, decision or award that may be made against him under the provisions of this Act,—

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the jurisdiction of the Registrar, the arbitrator or Liquidator, as the case may be,

he may, unless adequate security is furnished, direct the attachment of the said property; and such attachment shall have the same effect as if made by a competent civil court.

106. Appeals to other authorities.—(1) An appeal shall lie under this section against,—

(*a*) an order of the Registrar made under sub-section (2) of section 7 refusing to register a co-operative society;

(*b*) an order of the Registrar made under sub-section (4) of section 12 refusing to register an amendment of the bye-laws of a co-operative society;

(*c*) a decision of a co-operative society refusing to admit any person as a member of the society; or expelling any member of the society;

(*d*) an order of the Registrar under sub-section (2) of section 27;

(*e*) an order of the Registrar removing the committee of a co-operative society made under section 30;

(*f*) the seizure and impounding of books or property under section 66;

(*g*) an order made by the Registrar under section 67 apportioning the costs of an inquiry held under section 54 or an inspection made under section 65;

(*h*) an order of the Registrar under section 68 ;
(*i*) an order of surcharge made by the Registrar under section 69 ;
(*j*) an order made by the Registrar under section 72 directing the winding up of a co-operative society;
(*k*) any order made by the Liquidator of a co-operative society in exercise of the powers conferred on him by section 74, other than a determination under clause (f) of sub-section (2) of that section;
(*l*) an order made by the Registrar under section 101 ; or
(*m*) an order for attachment of any property made by the Registrar under section 103 other than an order referred to in clause (e) of section 105.

(2) An appeal against any act, decision or order under sub-section (1) shall be made within sixty days from the date of the act, decision or order,—
(*a*) if the act, decision or order was made by any person other than the Registrar or a co-operative society, to the Registrar ; or
(*b*) if the act, decision or order was made by the Registrar, to the State Government .

Explanation —For purposes of sub-section (2) "Registrar" not include a person exercising all or any of the powers of the Registrar.

* * *

109. Offences.—(1) Any person other than a co-operative society carrying on business under any name or title of which the word "Co-operative" or its equivalent in any Indian language, is part, without the sanction of the State Government, shall be punishable with a fine which may extend to two hundred rupees.

(5) If default is made in complying with provisions of sub-section (2) of section 16, sub-clause (ii) of clause (b) of sub-section (1) of section 28, sub-section (1) of section 28, section 56, section 58, section 59, section 60, or section 62, the co-operative society, and every officer or member of committee of the society who is in default shall be punishable with fine which may extend to two hundred rupees.

115.—Transitional provision regarding co-operative societies deemed to be registered under this Act.—(1) If it appears to the Registrar that amendments of the bye-laws of a co-operative society deemed to be registered under this Act are necessary or desirable in the interest of such society in so far as they relate to (i) the objects of such society; (ii) the territorial jurisdiction of such society; (iii) the persons who can become member of such society or (iv) bringing such bye-laws in conformity with the provisions of this Act or the rules, the Registrar may place before a meeting of the general body of the society held in such manner as may be prescribed by rules, the proposed amendments.

*

117. Powers of civil court.—(1) In exercising the functions conferred on it by or under this Act, the Tribunal, the Registrar, the arbitrator or any other person deciding a dispute and the Liquidator of a co-operative society shall have all the powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908 (Central Act V of 1908), in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) proof of facts by affidavits; and

(*d*) issuing commissions for examination of witnesses.

(2) In the case of any affidavit, any officer appointed by the Tribunal, Registrar, the arbitrator or any other person deciding a dispute or the Liquidator, as the case may be, in this behalf may administer the oath to the deponent.

129. Powers to make rules.—(1) The State Government may, for the whole or any part of the State and for

any class of co-operative societies, after previous publication, by notification in the official Gazette, make rules to carry out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the applicant to whom the order refusing the registration of a co-operative society may be sent by the Registrar ;

(*b*) the procedure and conditions for change in the form and extent of the liability of a co-operative society ;

(*c*) the matters in respect of which a co-operative society shall or may make bye-laws ;

(*d*) the procedure to be followed for amendment of bye-laws by a co-operative society ;

(*e*) the qualifications of individuals who may be admitted as members of co-operative societies ;

(*f*) the provision for a second or casting vote by the chairman of a meeting of a co-operative society;

(*g*) the appointment by a co-operative society of one of its members to represent and vote on its behalf at a meeting of another co-operative society of which it is a member ;

(*h*) the maximum number of shares or portion of the share capital of a co-operative society which may be held by an individual member ;

(*i*) the procedure for the nomination of a person to whom the share or interest of a member on his death may be transferred or the value thereof may be paid ;

(*j*) the mode in which the value of a deceased member's share shall be ascertained ;

(*k*) the election of members of committee by the general body of a co-operative society ;

(*l*) the requisitioning of a general meeting of a co-operative society ;

(*m*) the remuneration payable to a new committee or administrators appointed in place of a committee removed by the Registrar ;

(*n*) the qualifications and disqualifications for membership of committee of a co-operative society ;

(*o*) the qualifications and conditions of service of employees of co-operative societies ;

(*p*) the prohibition against officers of a co-operative society being interested in contracts with the society ;

(*q*) the matters connected with direct and indirect partnership of the State Government in co-operative societies ;

(*r*) the rate at which dividend may be paid by co-operative societies ;

(*s*) the objects of the reserve fund of a co-operative society and mode of its investment ,

(*t*) the mode of disposal of reserve fund of a co-operative society on its winding up ;

(*u*) the extent and conditions subject to which a co-operative society may receive deposits and loans ;

(*v*) the restrictions on transactions by a co-operative society with non-members ;

(*w*) the restrictions on grant of loans by a co-operative society against its shares ;

(*x*) the form and standards of fluid resources to be maintained by co-operative societies accepting deposits and granting cash credits ;

(*y*) the levy of audit fees on co-operative societies ;

(*z*) the procedure to be followed in proceedings before the Registrar, arbitrator or other person deciding disputes ;

(*aa*) the conditions subject to which assets of a co-operative society shall vest in a liquidator and the procedure to be adopted in windng up of a co-operative society ;

(*bb*) the procedure for recovery of amounts due or payable to a co-operative society ;

(*cc*) the mode of making attachment before judgment ;

(*dd*) the procedure for the distraint and sale of property, mortgaged to a Land Mortgage Bank ;

(*ee*) the manner of registering the address of a co-operative society ;

(*ff*) the account books and registers to be kept by a co-operative society and power of Registrar to direct the accounts and books to be written up ;

(*gg*) the manner of certification of entries in the books of a co-operative society and of copies of documents kept by it in the course of its business ;

(*hh*) the statements and returns to be furnished by co-operative societies to the Registrar ;

(*ii*) the restrictions on persons appearing as legal practitioners ;

(*jj*) the inspection of documents and the levy of fees for granting certified copies thereof ; and

(*kk*) the matters expressly required or allowed by this Act to be prescribed.

(3) In making a rule under this section, the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to two hundred rupees.

Statement of Objects and Reasons.

The Mysore Co-operative Societies Act, 1959, which was brought into force from First July 1960 has revealed in the course of working the need for some amendments for speedy implementation. It has also become necessary to amend the chapter relating to the Mysore Central Land Mortgage Bank Ltd., so that the Bank could take up expeditiously developmental activities for which funds could be made available from the provision made under Taccavi loans or from the funds borrowed from the Agricultural Re-finance Corporation of India or from the debentures raised by the Bank itself. Hence the amending Bill.

Financial Memorandum.

The new Section 2B proposed to be inserted by clause 3 of the Bill provides for the setting up of a Co-operative Appellate Tribunal. The expenditure on account of the establishment of the Tribunal is estimated at about Rs. 1,09,000 per annum as per details furnished below :—

		Rs.
1. Chairman and Members	...	50,000
2. Secretary	...	10,000
3. Office staff	...	34,000
4. Rent and Contingencies	...	15,000

Memorandum regarding delegated legislation

Clause 11. Under sub-section (2A) of section 57, proposed to be inserted by this clause, the State Government is empowered to make rules prescribing limit upto which a co-operative society shall pay dividend to its members on their paid up share capital and under clause (a) of sub-section (4) of the same section the State Government is empowered to make rules prescribing the rate of contribution by a co-operative society towards the Co-operative Education Fund.

Clause 16. Under the new section 82B proposed to be inserted by this clause, the State Government is empowered to make rules regarding the manner of giving public notice of application for loan; and the officer who would consider the objections.

Clause 17. Under the new section 85A, proposed to be inserted by this clause, the State Government is empowered to make rules prescribing the time, within which and the manner in which, the Land Development Banks should send to the Registering Officer under the Indian Registration Act, a copy of instrument by which immoveable property is mortgaged or leased.

Clause 21. (i) Under sub-section (1) of the new section 89A the State Government is empowered to make rules regarding the manner in which the Land Development Bank shall, after effecting sale under section 89, submit a report to the State Land Development Bank and the Registrar.

(ii) Under sub-section (1) of the new Section 89C, the State Government is empowered to prescribe a form of certificate, certifying property sold, the sale price, the date of its sale, the name of the person declared to be the purchaser and the date on which the sale became absolute.

(iii) Under sub-section (2) of the new Section 89H, the State Government is empowered to prescribe the rate at which and funds to which the State Land Development Bank and the Land Development Banks shall contribute, and also to make rules for the constitution, maintenance and utilisation of such funds.

Clause 23.—Under sub-section (1) of the new Section 101B, the State Government is empowered to prescribe the manner in which property which cannot be sold in execution of an order for want of buyers shall be transferred to the co-operative society, which has applied for execution of the order.

Clause 30.—Under sub-section (1) of the new Section 117, the State Government is empowered to make rules regarding the manner of hearing the disputes under Section 70.

Clause 31.—The amendments to Section 129 of the Act made by this clause empowers the State Government to make rules in respect of certain matters specified therein.

Clause 33.—This clause empowers the State Government to make necessary provisions for removal of difficulties in giving effect to the provisions of the principal Act as amended by the amendment Bill.

The delegation of legislative power provided for in the Bill, is necessary for the implementation of the Act and is of a normal character.

RAMAKRISHNA HEGDE.

G. S. VENKATARAMANA IYER,
Secretary.

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No. 166

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Bangalore Water Supply and Sewerage Bill, 1964** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE BANGALORE WATER SUPPLY AND SEWERAGE BILL, 1964.

Arrangement of Clauses

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THE BANGALORE WATER SUPPLY AND SEWERAGE BILL, 1964.

A Bill to make provision for water supply, sewerage and sewage disposal in Bangalore Metropolitan area and for matters connected therewith.

WHEREAS it is expedient to make provision for water supply, sewerage and sewage disposal in Bangalore Metropolitan area and for matters connected therewith ;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Bangalore Water Supply and Sewerage Act, 1964.

(2) Chapters I, II, III and VI of this Act shall come into force at once, and Chapter IV and Chapter V of this Act shall respectively come into force on such dates as the State Government may by notification in the official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) 'Bangalore Metropolitan Area' means the area of the Bangalore District urban and includes such other areas adjacent thereto as the State Government may by notification from time to time specify ;

(2) 'Board' means the Bangalore Water Supply and Sewerage Board constituted under this Act ;

(3) 'building' means a house, out-house, stable, latrine, urinal, shed, hut or any other structure whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter ;

(4) 'Chief Engineer' means the officer appointed or authorised by the Board to perform the functions of the Chief Engineer under this Act and includes an officer placed in additional charge of the duties of the Chief Engineer ;

(5) 'City of Bangalore' means the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949) ;

(6) 'communication pipe' means—

(*a*) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock ;

(*b*) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also—

(i) where the communication pipe ends at a stopcock, that stopcock ; and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main ;

(7) 'Corporation' means the Municipal Corporation of the City of Bangalore ;

(8) 'drain' includes sewer, tunnel, a culvert, a ditch, a channel and any other device for carrying off sewage, offensive matter, polluted water, waste water, rain water or sub-soil water ;

(9) 'land' includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

(10) 'licensed plumber' means a person licensed under the provisions of this Act as a plumber;

(11) 'main' means a pipe laid by the State Government for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

(12) 'notification' means a notification published in the official gazette;

(13) 'occupier' includes—

(*a*) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(*b*) an owner in occupation of, or otherwise using his land or building;

(*c*) a rent-free tenant of any land or building;

(*d*) a licensee in occupation of any land or building; and

(*e*) any person who is liable to pay to the owner damages for the use and occupation of any land or building.

(14) 'owner' includes a person who for the time being in receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

(15) 'premises' means any land or building or part of a building and includes—

(*a*) the garden, ground and out-houses, if any, appertaining to a building or part of a building; and

(*b*) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof ;

(16) 'prescribed' means prescribed by rules or regulations as the case may be made under this Act ;

(17) 'prescribed officer' means the officer prescribed by regulations made under this Act ;

(18) 'regulations' means regulations made by the Board under this Act ;

(19) 'rules' means rules made by the State Government under this Act ;

(20) 'Sanitary Engineer' means the officer appointed by the Board to be the Sanitary Engineer and includes any officer placed in additional charge of the duties of the Sanitary Engineer ;

(21) 'service pipe' means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap ;

(22) 'sewage' means night soil and other contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufacturies of all kinds ;

(23) 'sewer' means a closed conduit for carrying off sewage, offensive matter, polluted water, waste water or sub-soil water ;

(24) 'shed' means a slight or temporary structure for shade or shelter ;

(25) 'street' includes any way, road, lane, square, court, alley, gully, passage, whether a throughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway ;

(26) 'supply pipe' means so much of any service pipe as is not a communication pipe ;

(27) 'trade effluent' means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade industry carried on at those premises, but does not include domestic sewage;

(28) 'trade premises' means any premises used or intended to be used for carrying on any trade or industry;

(29) 'trade refuse' means the refuse of any trade or industry;

(30) 'trunk main' means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

(31) 'vehicle' includes a carriage, cart, van, dray, truck, hand-cart, bicycle, cycle-rikshaw, auto-rikshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street;

(32) 'water course' includes any river, stream or channel whether natural or artificial;

(33) 'water fittings' includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water;

(34) 'Water-Supply Engineer' means the officer appointed by the Board to be the Water-Supply Engineer, and includes any officer placed in additional charge of the duties of the Water Supply Engineer;

(35) 'water works' includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, mains, pipes, culverts, hydrants stand pipes and conduits and all lands, buildings, machinery, bridges and things used for, or intended for the purpose of, supplying water.

CHAPTER II

Establishment of the Board

3. *Constitution and composition of the Bangalore Water and Sewage Board.*—(1) The State Government shall as soon as may be after the commencement of this Chapter, constitute by notification in the Official Gazette a Board by the name of " The Bangalore Water and Sewage Board ".

The Board shall consist of not less than three and not more than seven members appointed by the State Government.

(3) Of the members—

(*a*) one shall be a person who has experience of, and has shown capacity in commercial matters and administration ;

(*b*) one shall be a public health engineer with wide experience ; and

(*c*) one shall be a person who has experience of accounting and financial matters in a public utility undertaking, preferably a water supply or sewage disposal undertaking.

(4) One of the members possessing any of the qualifications specified in sub-section (3) shall be appointed by the State Government to be the Chairman of the Board.

(5) A person shall be disqualified from being appointed or being a member of the Board if he is, or within the twelve months last preceding was, a member of Parliament or of any State Legislature or any local authority.

(6) No act done by the Board shall be called in question on the ground only of the existence of any vacancy in, or defect in the constitution of, the Board.

4. *Term of office and conditions for re-appointment of members of Board.*—The Chairman and other members of the Board shall hold office for such period, and shall be eligible for re-appointment under such conditions, as may be prescribed by the rules.

5. *Members not to hold interest in certain concerns.*—(1) A member of the Board shall, prior to his appointment, give to the State Government intimation of, and shall, before taking charge of office, sell or divest himself of, any interest which he may have, for his own benefit whether in his own name or otherwise, in any firm or company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, appartus or fittings used in connection with the supply of water or disposal of sewage, or any interest in the managing agency or shares or securties of any such company ; and it shall not be lawful for a member of the Board so long as he holds office, to acquire or purchase any such interest in any such firm or company and if he, under any will or by succession or gift becomes entitled for his own benefit to any such interest, he shall sell the same within three months after becoming so entitled thereto ; and he shall also, within three months sever any connection he may have and cease to have any interest, direct or indirect, in any such concern.

(2) Nothing contained in sub-section (1) shall prevent a member from acquiring or holding any share or interest in any firm or company other than a firm or company mentioned in sub-section (1) :

Provided that if the Board has entered into, or is about to enter into any contract or agreement with any such firm or company in which a member holds any share or interest, he shall disclose the fact and nature of such interest and he shall not be entitled to vote on any decision of the Board relating to such contract or agreement.

(3) A disclosure referred to in the proviso to sub-section (2) shall forthwith be recorded in the minutes of the Board and communicated to the State Government and the State Government may thereupon five such directions as it may deem proper.

6. *Removal or suspension of members.*—(1) The State Government may suspend from office for such period

as it thinks fit or remove from office any member of the Board who—

(*a*) is unsound mind and stands so declared by a competent court ; or

(*b*) is an undischarged insolvent ; or

(*c*) fails to comply with the provisions of section 5 ; or

(*d*) becomes or seeks to become a member of Parliament or any State Legislature or any local authority ; or

(*e*) in the opinion of the State Government—

(i) has refused to act ; or

(ii) has become incapable of acting ; or

(iii) has so abused his position as a member as to render his continuance on the Board detrimental to the interests of the general public ; or

(iv) is otherwise unfit to continue as a member ; or

(*f*) is convicted of an offence involving moral turpitude.

(2) The State Government may suspend any member pending an inquiry against him.

(3) No order or removal shall be made under this section unless the member concerned has been given an opportunity to submit his explanation to the State Government and when such order is passed, the seat of the member removed shall become vacant and another member may be appointed under section 3 to fill up the vacancy.

(4) A member who has been removed shall not be eligible for re-appointment as member or in any other capacity to the Board.

(5) If the Board fails to carry out its functions, or refuses or fails to follow the directions issued by the State Government under this Act, the State Government may remove the Chairman and the members of the Board and appoint a Chairman and members in their places.

7. *Power of State Government to declare certain transactions void.*—(1) The State Government may declare void any transaction in connection with which a member has been removed under sub-clause (iii) of clause (*e*) of sub-section (1) of section 6 after considering the report on the facts of the case made to it by a District Judge nominated by it in this behalf.

(2) A District Judge nominated under sub-section (1) shall, before making his report under that sub-section to the State Government in relation to any transaction, give all parties interested in the transaction a reasonable opportunity of being heard.

(3) Where a transaction is declared void under this section it shall not be enforceable by any party to the transaction but the provisions of section 65 of the Indian Contract Act, 1872, shall, so far as may be, apply to such transaction as they apply to an agreement which is discovered to be void or a contract which becomes void.

(4) The decision of the State Government declaring any transaction void under this section shall be final and shall not be called in question in any Court.

8. *Temporary absence of members.*—If the Chairman or any other member of the Board is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under this Act or any rule or regulation made thereunder.

9. *Incorporation of Board.*—(1) The Board shall be a body corporate having perpetual succession and a common seal, with power subject to the provisions of this Act and the rules made thereunder, to acquire and hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(2) For the purposes of this Act and the Land Acquisition Act, 1884, the Board shall be deemed to be a local authority.

10. *Authentication of orders and other instruments of the Board.*—All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf and all other instruments issued by the Board shall be authenticated by the signature of such member or officer of the Board as may in like manner be authorised in this behalf.

11. *Meetings of the Board.*—(1) The Board shall hold ordinary meetings at such intervals as may be provided in the regulations; and a meeting may be convened by the Chairman at any other time for the transaction of urgent business.

(2) The number of members necessary to constitute a quorum at a meeting shall be such as may be provided in the regulations.

12. *Appointment of staff.*—The Board may appoint a Secretary, a Chief Engineer, a Sanitary Engineer, a Water Supply Engineer and such other officers and servants as may be required to enable the Board to carry out its functions under this Act:

Provided that the appointment of the Secretary, the Chief Engineer, the Sanitary Engineer and the Water Supply Engineer shall be subject to the approval of the State Government.

13. *Appointment of consulting Public Health Engineers.*—The Board may, subject to such conditions as may be prescribed by rules, from time to time, appoint qualified persons to be consulting public health engineers to the Board and pay them such remuneration as it thinks proper.

14. *Consultative Committee.*—(1) The State Government shall constitute a Consultative Committee consisting

of members of the Board and such other persons being not less than three and not more than nine as the State Government may appoint after consultation with such representatives or bodies representative of the following interests as the State Government thinks fit, that is to say, the Municipal Corporation of the City of Bangalore, the Bangalore City Improvement Trust Board and consumers of water.

(2) The Chairman of the Board shall be *ex-officio* Chairman of the Consultative Committee.

(3) The Consultative Committee shall meet at least once in every three months.

(4) The functions of the Consultative Committee shall be as follows :—

(i) to advise the Board on major questions of policy and major schemes;

(ii) to review the progress and the work of the Board from time to time;

(iii) to consider such other matters as the Board may place before it ; and

(iv) to consider such matters as the State Government may by rules prescribe.

(5) The Board shall place before the Consultative Committee the annual financial statement and supplementary statement, if any, before submitting such statement to the State Government under section 17 together with copies of the report and proceedings.

15. *General duties of the Board.*—(1) The Board shall be charged with the general duty of providing a supply and improving the existing supply of water in the Bangalore Metropolitan Area and of making adequate provision for the sewerage and the disposal of the sewage in the Bangalore Metropolitan Area and for the efficient discharge of such duty the Board shall exercise such powers and perform such functions as are conferred or imposed by or under this Act.

(2) Without prejudice to the provisions of sub-section (1), it shall be the duty of the Board to take steps from time to time,—

(a) for ascertaining the sufficiency and wholesomeness of water supplies within the Bangalore Metropolitan Area ;

(b) for preparing and carrying out schemes approved by the State Government for the supply of wholesome water for domestic purposes within the Bangalore Metropolitan Area ;

(c) for preparing and carrying out schemes approved by the State Government, for the proper sewerage of, and the disposal of the sewage of, the Bangalore Metropolitan Area.

(3) A scheme under clause (b) of sub-section (2) shall *inter alia* make provision,—

(*a*) for a supply of wholesome water in pipes to every part of the Bangalore Metropolitan Area in which there are houses, for the domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so however, that this clause shall not require the Board to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of the Bangalore Metropolitan Area where such a supply is already available at such point or points aforesaid.

(*b*) for a supply, as far as possible, of wholesome water otherwise than in pipes in every part of the Bangalore Metropolitan Area in which there are houses, for the domestic purposes of the occupants thereof, and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply

is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

(4) If any question arises under clause (a) of sub-section (3) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to them at reasonable cost, or under clause (b) of the said sub-section, as to whether a public supply can be provided at a reasonable cost, the State Government shall determine that question and thereupon the Board shall give effect to that determination.

(5) Without prejudice to the provisions of sub-sections (1), (2) and (3), the Board shall, for the purposes of securing, as far as is reasonably practicable, that every house has a sufficient supply of wholesome water for domestic purposes, exercise its powers under this Act of requiring the owners of houses to provide a supply of water thereto.

CHAPTER III.

The Board's Finance, Accounts and Audit.

16. *General principles for Board's finance.*—The Board shall not, as far as practicable and after taking credit for any subventions from the State Government under section 19, carry on its operations under this Act at a loss and shall adjust its charges accordingly from time to time:

Provided that where necessary any amounts used for meeting the operating, maintenance and management expenses of the Board or for the purposes of clauses (i) and (ii) of section 23 may, to such extent as may be sanctioned by the State Government, be paid out of capital.

17. *Annual financial statement.*—(1) In February of each year the Board shall submit to the State Government a statement in the form prescribed by rules of the estimated capital and revenue receipts and expenditure for the ensuing year.

(2) The said statement shall include a statement of the salaries of members, officers and servants of the Board and of such other particulars as may be prescribed by rules.

(3) The State Government shall as soon as may be after receipt of the said statement cause it to be laid on the table of both Houses of the State Legislature ; and the said statement shall be open to discussion therein, but shall not be subject to vote.

(4) The Board shall take into consideration any comments made on the said statement in the State Legislature.

(5) The Board may at any time during the year in respect of which a statement under sub-section (1) has been submitted to the State Government a supplementary statement, and all the provisions of this section shall apply to such statement as they apply to the statement under the said sub-section.

18. *Restriction on unbudgeted expenditure.*—(1) Save where in the opinion of the Board circumstances of extreme urgency have arisen, no sum exceeding twentyfive thousand rupees on account of recurring expenditure or exceeding one lakh of rupees on account of non-recurring expenditure shall be expended by the Board in any year of account unless such sum has been included in a statement submitted under sub-section (1) or sub-section (5) of section 17.

(2) Where any such sum is expended under circumstances of extreme urgency, a report thereon indicating the source from which it is proposed to meet the expenditure shall be made as soon as practicable to the State Government.

19. *Subventions to the Board.*—The State Government may, with the approval of the State Legislature from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine.

20. *Loans to the Board.*—The State Government may, from time to time, advance loans to the Board on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government may determine.

21. *Power of Board to borrow.*—(1) The Board may from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be prescribed by rules in this behalf, borrow any sum required for the purposes of this Act.

(2) Rules made by the State Government for the purposes of this section may empower the Board to borrow by the issue of bonds or stocks or otherwise and to make arrangements with bankers.

(3) The maximum amount which the Board may at any time have on loan under sub-section (1) shall be ten crores of rupees, unless the State Government by notification fixes a higher maximum amount.

(4) Stock issued by the Board under this section shall be issued, transferred, dealt with and redeemed in such manner as may be prescribed by rules.

22. *Guarantee of loans.*—The State Government may guarantee in such manner as it thinks fit the payment of the principal and interest of any loan proposed to be raised by the Board or of either the principal or the interest :

Provided that the State Government shall, so long as any such guarantees are in force, lay before both Houses of the State Legislature in every year during the budget session a statement of the guarantees, if any, given during the current financial year of the State, and an up-to-date

account of the total sums, if any, which have been paid out of State revenues by reason of any such guarantees or paid into State revenue towards repayment of any money so paid out.

23. *Priority of liabilities of the Board.*—(1) The revenues of the Board shall, after meeting its operating, maintenance and management expenses and after provision has been made for the payment of taxes, be distributed as far as they are available in the following order, namely :—

(i) interest on bonds not guaranteed under section 22 ;

(ii) interest on stock not so guaranteed ;

(iii) credits to depreciation reserve under section 24 ;

(iv) interest on bonds guaranteed under section 22 ;

(v) interest on stock so guaranteed ;

(vi) interest on sums paid by the State Government under guarantees under section 22 ;

(vii) the write-down of amounts paid from capital under the proviso to section 16 ;

(viii) the write-down of amounts in respect of tangible assets to the extent to which they are actually appropriated in any year for the purpose in the books of the Board ;

(ix) interest on loans advanced or deemed to be advanced to the Board under section 20, including arrears of such interest ;

(x) of the balance remaining, in the reduction of rates for the supply of water or for such other purposes beneficial to promote water supply and disposal of sewage in the Bangalore Metropolitan Area as the Board may think fit.

(2) No part of the revenues of the Board after meeting its operating, maintenance and management expenses shall be used to augment the reserves of the Board or for the general purposes of the Board including expenses in connection with capital works.

24. *Depreciation reserve.*—(1) The Board shall create a depreciation reserve and, as far as compliance with the provisions of section 23 makes it practicable shall, at the end of every year, credit to such reserve from its revenue, such amount as would if made annually throughout the preserved period of assets specified in the Table appended to the Schedule to this Act and accumulated at compound interest at the rate of three per cent per annum produce by the end of the prescribed period of an amount equal to ninety per cent of the original cost of the assets after taking into account the sums already written off and set aside in the books of the Board.

(2) The amount to be credited every year to the depreciation reserve under sub-section (1) shall consist of the incremental deposit plus interest on the accumulated balance in the reserve :

Provided that the contribution in respect of any asset to the depreciation reserve under this section shall cease at the end of such period as may be prescribed by rules or when the asset ceases to be used by the Board, whichever is earlier :

Provided further that if in any year it is not practicable fully to comply with the provisions of this section, the amount by which the sums actually credited falls short of the amount required under this section in respect of that year, shall be carried forward and together with compound interest thereon at the aforesaid rate shall be credited to the said reserve as soon as it is found possible in accordance with section 23, so to do :

Provided further that the accumulations in the depreciation reserve may be invested and the work carried out by the Board, or utilised for repayment of principal not guaranteed under section 22 or for repayment of sums paid by the State Government under guarantees under that section.

25. *Accounts and audit.*—(1) The Board shall cause proper accounts and other records in relation thereto to be

kept, including the proper system of internal check and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet in such form as may be prescribed by rules in consultation with the Controller of State Accounts.

(2) The accounts of the Board shall be audited by the Controller of State Accounts or by such person as he may authorise in this behalf and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Controller of State Accounts.

(3) The Controller of State Accounts and any person authorised by him in connection with the audit of the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by the Controller of State Accounts or any other person authorised by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government and the State Government may issue such instructions to the Board in respect thereof as it deems fit and the Board shall comply with such instructions.

(5) The State Government shall—

(*a*) cause the accounts of the Board together with the audit report thereon forwarded to it under sub-section (4) to be laid annually before the State Legislature ; and

(*b*) cause the accounts of the Board to be published in the manner prescribed by rules and make available copies thereof on sale at a reasonable price.

CHAPTER IV.

WATER SUPPLY.

26. *Vesting of works in Board.*—On and from the date of coming into force of this Chapter, all public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits and other works connected with the supply of water to the City of Bangalore including the headworks and reservoirs at Tippagondanhalli and Hesarghatta and the rising mains whether made at the cost of the Government, the Corporation or otherwise and all bridges, buildings, machinery, works, materials and other things connected therewith and all land (not being private property) adjacent and appertaining to the same shall vest in the Board and be subject to its control.

27. *Construction of water works*—(1) The Board may construct, lay , or erect filtration plants, reservoirs, machinery conduits, pipes or other works in any place in the State for supplying the Metropolitan Area with water, and may provide tanks, reservoirs, machinery, mains, fountains and other conveniences within the Bangalore Metropolitan Area for the use of the inhabitants.

(2) The Board may cause existing water works to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

28. *Trespass on water-supply premises.*—No person shall except with permission duly obtained from the Board or the Water Supply Engineer enter on land vested in the Board along which a conduit or pipe runs or on any premises connected with the water supply.

29. *Prohibition of building over water mains.*—(1) Without the permission of the Board or the Water Supply Engineer, no building, wall or other structure shall be newly erected and no street shall be constructed over any Board watermain.

(2) If any building, wall or other structure be so erected or any street be so constructed, the Water Supply Engineer may cause the same to be removed or otherwise

dealt with as the Water Supply Engineer deems fit and the expenses thereby incurred shall be paid by the persons contravening the provisions of sub-section (1).

30. *Control over house connections.*—All house connections, whether within or without the premises to which they belong, with the water-supply mains shall be under the control of the Board, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with the regulations made in that behalf.

31. *Payment to be made for water supplied.*—Notwithstanding anything contained in section 127 or any law, contract or other instrument, for all water supplied under this Act, payment shall be made at such rates, at such times and under such conditions as may be specified by regulations, and different rates may be prescribed for supply of water for different purposes.

32. *Private water supply for domestic consumption.*—(1) The Water Supply Engineer may, on application by the owner or occupier of any building, arrange, in accordance with the regulations, to supply water thereto for dometic consumption and use.

(2) It shall not be lawful for the owner of any dwelling house which may be constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Board that there is provided within, or within a reasonable distance of the house such supply of wholesome water as appears to the Board to be sufficient for the domestic consumption and use of the inmates of the house.

(3) Where on any land there are two or more super-structures, and the owner of the land is not the owner of all the super-structures, the Board may, if it appears to it that the super-structures are without a proper supply of water for domestic consumption and use and that such supply can be furnished from the main not

more than thirty-five meters distant from any part of any such super-structure by notice require the owner of the land to obtain such supply.

33. *Supply of water for domestic purpose not to include any supply for certain specified purposes.*—The supply of water for domestic purposes under this Act shall not be deemed to include any supply—

(*a*) for any trade, manufacture or business ;

(*b*) for gardens or for purposes of irrigation ;

(*c*) for building purposes ;

(*d*) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purpose ;

(*e*) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom ;

(*f*) for the consumption and use by the inmates of hotels, boarding houses and residential clubs ;

(*g*) for the consumption and use by the persons restoring to theatres and cinemas ;

(*h*) for constructing or for watering streets ; or

(*i*) for washing vehicles where they are kept for sale or hire ;

but shall be deemed to include a supply—

(i) for flushing latrines or drains, and

(ii) for all baths other than swimming baths or public baths.

34. *Water supply for domestic purposes not to be used for non-domestic purposes.*—No person shall, without the written permission of the Board, use or allow to be used for other than domestic purposes water supplied for domestic purposes.

35. *Power to supply water for non-domestic purposes.*—(1) The Chief Engineer may, with the sanction of

the Board, supply water for any purpose other than a domestic purpose on such terms and conditions consistent with this Act and the regulations made thereunder on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) When an application under sub-section (1) is received, the Chief Engineer may, subject to such charges and rates as may be fixed by the regulations, lay or allow to be laid the necessary pipes and water fittings of such dimensions and discription as may be prescribed by the regulation and many arrange for the supply of water through such pipes and fittings.

36. *Supply of water to the Corporation and other local authorities.*—The Board may supply water to the Government Corporation or any other local authority on such terms as to payment and as to the period and the conditions of supply a shall be determined by the Board

37. *Use of water for extinguishing a fire.*—Water may be used for extinguishing fire without payment.

38. *Public water supply.*—(1) The Board may, subject to the payment by the Corporation of such charges as the Board may determine, provide gratuitous supply of wholesome water to the public within the City of Bangalore and may, for that purpose, erect public hydrants or other conveniences.

(2) The Water-Supply Engineer may, in consultation with the Commissioner of the Corporation, close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

39. *Power to lay mains.*—(1) Notwithstanding anything contained in the City of Bangalore Municipal Corportion Act, 1949, or any other law for the time being in force, the Board may lay a main whether within or

without the local limits of the Bangalore Metropolitan Area—

(*a*) in any street or any land vested in the Government the Corporation or any other local authority or any corporation owned or controlled by the Government;

(*b*) with the consent of every owner and occupier of any land not forming part of a street, in, over or on that land,

and may, from time to time, inspect, repair, alter or renew or may at any time remove any main so laid whether by virtue of this section or otherwise :

Provided that where a consent required for the purpose of this sub-section is withheld, the Board may, after giving the owner or occupier of the land a written notice of its intention so to do, lay the main in, over or on that land even without such consent.

(2) Where the Board, in exercise of the powers under this section, lays a main in, over or on any land not forming part of a street or land referred to in clause (*a*) of sub-section (1), or inspect, repair, alter, renew or remove a main so laid down in, over or on any such land, it shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main.

40. *Power to lay service pipes, etc.*—(1) The Board may, in any street or any land referred to in clause (*a*) of sub-section (1) of section 39, whether within or without the local limits of the Bangalore Metropolitan Area, lay such service pipes with such stopcocks and other water fittings as it may deem necessary for supplying water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove any service pipe laid in such street or land whether by virtue of this section or otherwise.

(2) Where a service pipe has been lafully laid in, over, or on the land not forming part of a street or land

referred to in sub-section (1), such officers as the Board may authorise may from time to time enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

41. *Provision of fire hydrants.*—(1) The Water-Supply Engineer shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time renew every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on some wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Water-Supply Engineer shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary.

(4) The Board may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a pipe is laid (and not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the pipe and keep in good order and from time to time renew one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, wark-shop, trade premises or place of business.

(5) The Board shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without any payment.

42. *Power to require owners of premises to set up pumps, etc.*—The owner of every premises connected with the Board water works shall, when so required by the Board, provide a sump and set up electric pumps or other

contrivances whereby water may be caused to reach to the top of the top-most storey of such premises.

43. *Supply of water.*—The Water-Supply Engineer may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of water for his domestic purposes from the Board water works subject to the requirements specified in section 44 and the conditions, if any, laid down in the rules made in this behalf.

44. *Laying of supply pipes,* etc.—(1) An owner, lessee or occupier of any premises, who desires to have a supply of water for his domestic purposes from the Board water works, shall comply with the following requirements, namely :—

(*a*) he shall give to the Board fourteen days' notice of his intention to lay the necesary supply pipe ; and

(b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners or occupiers thereof :

Provided that where any part of the supply pipe is to be laid in a street, he shall not himself break open the street or lay that part of the pipe.

(2) Upon the receipt of such a notice as is referred to in sub-section (1), the Board shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a street and shall connect the communication pipe with the supply pipe.

(3) The expenses, reasonably incurred by the Board in executing the work which it is required or authorised by this section to execute, shall be repaid to it by the person by whom the notice was given and may be recovered from such person as an arrear of water rate under this Act :

Provided that if under the provisions of this section, the Board lays a main in lieu of a supply pipe, the additional

cost incurred in laying the main instead of a supply pipe shall be borne by him.

(4) Notwithstanding anything contained in the foregoing provisions of this section the Board may, within a reasonable time after the service of the notice upon him, require the person giving the notice either to pay to him in advance, the cost of the work as estimated by the Board or to give security for payment thereof to his satisfaction.

(5) If any payment made to the Board under sub-section (4) exceeds the expenses which it would be entitled to recover from the person giving the notice, the excess shall be repaid by him and if and so far as those expenses are not covered by the payment, the Board may recover the balance from such person as an arrear of water rate under this Act.

45. *Power to require separate service pipes.*—(1) The Board may require the provision of a separate service pipe for each of the premises supplied or to be supplied by it with water.

(2) If, in the case of any premises already supplied with water but not having a separate service pipe, the Board gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the Board shall, within fourteen days after the owner has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary communications.

(3) If an owner upon whom a notice has been served under sub-section (2) fails to comply therewith the Board may itself execute the work which the owner was required to execute and recover the expenses reasonably incurred by it in executing the work as an arrear of ater rate under this Act.

46. *Stopcocks.*—(1) On every service pipe laid after the date of coming into force of this Chapter, the Board shall, and on every service pipe laid before such date the Board may fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the date of coming into force of this Chapter shall be placed in such position as the Board deems most convenient :—

Provided that—

(*a*) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises ; and

(*b*) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

47. *Power to provide meters.*—(1) The Board may provide a water-meter and attach the same to the service pipe in premises connected with Board water works.

(2) The expense of attaching a meter under sub-section (1) shall be paid by the owner of the premises.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be regulated by regulations made in this behalf.

48. *Presumption as to correctness of meters.*—Whenever water is supplied under this Act throug a meter, it shall be presumed that the quantity indicated by the meter has been cosumed until the contrary is proved.

49. *Prohibition of waste or misuse of water.*—(1) No person shall wilfully or negligently cause or suffer any water fitting which he is liable to maintain,—

(*a*) to be or remain so out of order or so in need of repair, or

(*b*) to be or remain so constructed or adapted or to be so used,

that the water supplied to him by he Board or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with, a pipe belonging to the Board.

(2) If any water fitting which any person is liable to maintain is in such a condition, or so constructed or adapated as aforesaid, the Board, without prejudice to any action against the person under any other provision of this Act, may require that person to carry out any necessary repairs or alterations and if he fails to do so within forty-eight hours, may itself carry out the work and recover from him the expenses reasonably incurred by it in so doing, as an arrear of water-rates payable under this Act.

50. *Power to enter premises to detect waste or misuse of water.*—The Water-Supply Engineer or any officer authorised by the Board may, between sunrise and sunset, enter any premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and the Water-Supply Engineer or such officer shall not be refused admittance to the premises nor shall he be obstructed by any person in making his examination.

51. *Power to test water fittings.*—The Board may test any water fitting used in connection with water supplied by the Board.

52. *Water pipes, etc., not to be placed where water will be polluted.*—(1) No water pipes shall be laid in a drain or on the surface of an open channel or house gully or within six meters of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and except with the approval of the Board no cistern shall be constructed within six meters of a latrine, or cesspool.

(2) No latrine, or cesspool shall be constructed or made within six meters of any water pipe or cistern or in any position where the pipe or cistern is likely to be injured or the water therein polluted.

53. *Power to cut off water supply.*—(1) The Board may cut off the supply of water from any premises.—

(*a*) if the premises are unoccupied ;

(*b*) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Board within the period specified therein ;

(*c*) if any charges or any other sum due for water or for the cost of making a connection or the hire of a meter or the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such charges or sums has been presented or served ;

(*d*) if after receipt of a notice from the Board requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of the provisions of this Act or any rule made there-under ;

(*e*) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water ;

(*f*) if the owner or occupier refuses to admit the Board or any person authorised by him in this behalf into the premises which he proposes to enter for the purpose or executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply or prevents the Water Supply Engineer or any person authorised by the Board doing such work, placing or removing such apparatus or making such examination or inquiry ;

(*g*) if any pipes, taps, work or fittings connected with the water supply are found on examination by the Board or any person authorised by him to be out of repair to such an extent as to cause waste or contamination of water ;

(*h*) if the owner or occupier causes pipes, taps, works or fittings connected with the Board water supply to be placed, removed, repaired or otherwise interfered with in contravention of the provisions of this Act or of the rules or ulations made thereunder :

Provided that the Water-Supply Engineer shall not cut off the supply of water unless notice of not less than three days has been given to the owner or occupier of the premises.

(2) (*a*) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (*c*) of sub-section (1).

(*b*) The sums referred to in clause (*a*) shall be a charge on the premises.

(3) The expenses of cutting off the supply shall be payable by the owner and occupier of the premises jointly and severally.

(4) In case under clause (*c*) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expenses of cutting off the supply, has been paid by the owner or occupier, the Board shall cause water to be supplied as before on payment of the cost of re-connecting the premises with the water works.

(5) Action taken under this section against any person shall be without prejudice to any penalties which he may otherwise be liable.

54. *Joint and several liability of owners and occupiers for offence in relation to water supply.*—If any offence relating to water supply is committed under this Act on any premises connected with the Board water works, the owner, the person primarily liable for the payment of the charges for water, and the occupiers of the said premises shall be jointly and severally liable for such offence.

55. *Non-liability of Board when supply reduced or not made in certain cases.*—The Board shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

56. *Rights of user of conduits, lines, etc.*—(1) The Board may place and maintain conduits and lines of mains or pipes over, under, along or across any immovable property whether within or without the local limits of the Bangalore Metropolitan Area without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any conduits or lines of mains or pipes, enter on any property over, under, along or across which the conduits or lines of mains or pipes have been placed :

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any conduit or line of mains or pipes is placed.

(2) In the exercise of the powers conferred upon him by this section, the Board shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.

57. *Power of owner of premises to place pipes through land belonging to other persons.*—(1) If it appears to the Board that the only or most convenient means of water supply to any premises is by placing or carrying any pipe over, under, along or across the immovable property of another person, it may, by order in writing, authorise the owner of the premises to place or carry such pipe, over, under along or across such immovable property :

Provided that before making any such order the Board shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by regulations made in this behalf as to why the order should not be made :

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe is placed or carried.

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(*a*) cause the pipe to be placed or carried with the least practicable delay ;

(*b*) fill in, re-instate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe ; and

(*c*) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe.

(4) If the owner of the immovable property, over, under, along or across which a pipe has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Board shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe had not been placed or carried over, under, along or across the same :

Provided that no such requisition shall be made unless in the opinion of the Board it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe should be closed, removed or diverted.

58. *Power to execute work after giving notice to the person liable.*—(1) When under the provisions of this

Chapter any person may be required or is liable to execute any work, the Board may, in accordance with the provisions of this Act and of any of any rule or regulation made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.

(2) The expenses incurred or likely to be incurred by the Board in the execution of any such work shall be payable by the said person and the expenses incurred by the Board in connection with the maintenance of such work shall be payable by the person or persons enjoying the amenities and conveniences rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of charges payable under this Act.

59. *Work to be done by licensed plumber.*—(1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber :

Provided that if, in the opinion of the Water Supply Engineer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Water Supply Engineer the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Board without prejudice to the right of the Board to prosecute under his Act the person at whose instance such work has been executed.

(4) The Board may make regulations for the guidance of licensed plumbers and a copy of all such regulations shall be attached to every licence granted to a plumber by the Board.

(5) The Board may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor under that sub-section.

(7) The Board shall make regulations providing for—

(*a*) the exercise of adequate control on all licensed plumbers;

(*b*) the inspection of all works carried out by them; and

(*c*) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the regulations made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

60. *Prohibition of certain Acts.*—(1) No person shall—

(*a*) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such work, or deface or destroy any works made for the same purpose; or

(*b*) wilfully or negligently break, injure, turn, on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Board; or

(*c*) unlawfully obstruct the flow of, or flush, draw off, or divert, or take water from any water work belonging to the Board or any water course by which any such water is supplied ; or

(*d*) obstruct any officer or other emplovee of the Board in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water work ; or

(*e*) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause water of any sink, or drain or any steam-engine or boiler or any poluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (*b*) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

61. *Regulations regarding water supply.*—(1) The Board may with the previous approval of the State Govrenment make regulations to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may provide for—

(*a*) the power of the Board—

(i) to stop the supply of water, whether for domestic purposes or not, or for gratuitous use ; and

(ii) to prohibit the sale and use of water for the purpose of business ;

(*b*) the connection of supply pipes for conveying to any premises a supply of water from Board water works ;

(*c*) the making and renewing connections with Board water works ;

(*d*) the power of the Board to take charge of private connections ;

(*e*) the power of the Board to alter the position connections ;

(*f*) the equitable distribution of water supplied to occupiers ;

(*g*) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any Board water works and the stamping of pipes and fittings and fees for such stamping ;

(*h*) the size, material, quality and description of pipes, cisterns and fittings which are found on an examination under the provisions of this Act to be so defective that they cannot be effectively repaired ;

(*i*) the provision and maintenance of meters when water is supplied by measurement ;

(*j*) the prohibition of fraudulent and unauthorised use of water and the prohibition of tampering with meters ;

(*k*) the maintenance of pipes, cisterns and other water works ;

(*l*) the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters ;

(*m*) any other matter which is to be or may be prescribed by regulations made under this Chapter.

(3) In making any regulation under this section, the Board may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after receipt of a notice from the Board to discontinue such breach.

62. *Punishment for certain offences.*—Whoever—

(*a*) contravenes any provision of any of the sections, sub-sections, clauses, provisos or other provisions of this Act mentioned in the first column of the following Table; or

(*b*) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses provisos or other provisions, shall be punishable—

(*i*) with fine which may extend to the amount specified in that behalf in the third column of the said Table; and

(*ii*) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

TABLE.

Section, sub-section, clause or proviso	*Subject*	*Maximum fine which may be imposed*	*Daily fine which may be imposed*
1	2	3	4
		Rs.	Rs.
Section 28 ..	Trespassing on premises connected with water supply.	50	
Section 30 ..	Failure to maintain house connections in conformity with bye-laws.	50	
Section 32, sub-sections (2) and (4).	Failure to comply with requisition to make house connection.	50	
Section 32, sub-section (3).	Occupying or allowing occupation of house without proper water supply.		
Section 34 ..	Use for non-domestic purposes of water supplied for domestic purposes.		
Section 49 ..	Waste or misuse of water ..	50	
Section 50 ..	Refusal of admittance, etc. ..	100	
Section 52, sub-section (1)	Laying of water pipes, etc., in a position where the same may be injured or water therein polluted.	100	
Section 52, sub-section (2).	Construction of latrines, etc., in a position where pipes may be injured or water therein polluted.		
Section 59, sub-section (1).	Execution of work by a person other than a licensed plumber.	200	
Section 59, sub-section (2).	Failure to furnishwhen required, name of licensed plumber employed.	100	
Section 59, sub-section (6).	Licensed plumbers not to demand more than the charges prescribed.	100	
Section 59, sub-section (8).	Licensed plumbers not to contravene bye-laws or execute work carelessly or negligently, etc.	100	
Section 60 ..	Prohibition of wilful or neglectful acts relating to water works.		

CHAPTER V.

Sewers and sewerage.

63. *Vesting of sewers, etc., in Board.*—(1) On and from the date of the coming into force of this Chapter, all public sewers, all sewers in, alongside or under any public street within the Bangalore Metropolitan Area, and all sewage disposal works whether constructed out of the municipal fund of the Corporation of the City of Bangalore or otherwise, and all works, materials and things appertaining thereto, shall vest in the Board.

(2) All public and other sewers which are vested in the Board are hereafter in this Act referred to as Board sewers.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such sewer or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the Board.

(4) All sewers and ventilation-shafts, pipes and all appliances and fittings connected with the sewerage works constructed, erected or set up out of the municipal fund of the Corporation in or upon premises not belonging to the Corporation whether—

(*a*) before or after the commencement of this Act, and

(*b*) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or unless at any time otherwise determine, vest in the Board.

64. *Control of sewers and sewage disposal works.*—(1) All Government sewers, all sewage disposal works and all works, materials and things appertaining thereto shall be under the control of the Board.

(2) The Board shall maintain and keep in repair all Board sewers and sewage disposal works and shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual sewerage and sewage disposal of the Bangalore Metropolitan Area.

65. *Certain matters not to be passed into Board sewers.*—(1) No person shall throw, empty, or turn into any Board sewer or into any drain or sewer communicating with a Board sewer.

(*a*) any matter likely to injure the sewer or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(*b*) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or steam which, or a liquid which when so heated, is, either alone or in combination with the contents of the sewer, dangerous, or the cause of a nuisance, or prejudicial to health; or

(*c*) any dangerous petroleum.

(2) In this section, the expression "dangerous petroleum" has the same meaning as in the Petroleum Act, 1934 (Central Act 30 of 1934).

66. *Application by owners and occupiers to drain into Board sewer.*—(1) Subject to such conditions as may be prescribed by rules made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within the Bangalore Metropolitan Area may apply to the Board to have his drain made to communicate with the Board sewers and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person to discharge directly or indirectly into any Board sewer—

(*i*) any trade effluent from any trade premises except in accordance with the regulations made in this behalf; or

(*ii*) any liquid or other matter the discharge of which into Board sewers is prohibited by or under this Act or any other law.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Board notice of his proposals, and at any time within one month after receipt thereof, the Board may by notice to him refuse to permit the communication to be made, if it appears to it that the mode of construction or condition of the drain is such that the making of the communication would be prejudical to the sewerage system, and for the purpose of examining the mode of construction and condition of the drain it may, if necessary, require it to be laid open for inspection.

(3) The Board may, if it thinks fit, construct such part of the work necessary for connecting a private drain with a Board sewer as is in or under a public street and in such a case, the expenses incurred by the Board shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of charges payable under this Act.

67. *Drainage of undrained premises.*—(1) Where any premises are in the opinion of the Board without sufficient means of effectual drainage and a Government sewer or some place approved by the Board for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty-five metre from any part of the said premises, it may, by written notice, require the owner of the said premises—

(*a*) to make a drain emptying into such Government sewer or place;

(*b*) to construct a closed cesspool or soakage pit and fittings as may appear to the Board necessary for the purpose of gathering and receiving the filth and other polluted and obnoxious matter from and conveying the

same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(*c*) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health ;

(*d*) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health ;

(*e*) to provide and set up all such appliances and fittings as may appear to the Board to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises ;

(*f*) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty,

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Board without sufficient means of effectual drainage, it may, by written notice, require the owner of the premises—

(*a*) to construct a drain up to a point to be prescribed in such notice but not at a distance of more than thirty-five metres from any part of the premises ; or

(*b*) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

68. *New premises not to be created without drains.*— (1) In areas in which Board sewers are provided it

shall not be lawful to erect or to re-erect any premises or to occupy any such premises unless—

(*a*) a drain be constructed of such size, materials and descriptions, at such level and with such fall as shall appear to the Board to be necessary for the effectual drainage of such premises ;

(*b*) there have been provided and set up on such premises such appliances and fittings as may appear to the Board to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a Board sewer.

(3) The provisions of this section shall be applicable to premises any part of which is situated within a distance of thirty-five metres from a Board sewer.

69. *Power to drain group or block of premises by combined operations.*—(1) If it appears to the Board that any group or block of premises may be drained more economically or advantageously in combination than separately, and a Board sewer of sufficient size already exists or is about to be consructed within thirty-five metres of any part of that group or block of premises, the Board may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportion as the Board may determine and shall be recoverable from them as an arrear of charges payable under this Act.

(3) Not less than fifteen days before any such work is commenced, th eBoard shall give t' eac hsuch owner—

(*a*) written notice of the nature of the proposed work, and

(*b*) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Board may require the owners of such group or block of premises to maintain the work executed under this section.

70. *Power of Board to close or limit the use of private drains in certain cases.*—Where a drain connecting any premises with a Board sewer is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Board adapted to the general system of sewerage in the Bangalore Metropolitan Area, he may, by written notice addressed to the owner of the premises, direct—

(*a*) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(*b*) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that—

(i) no drain may be closed, discontinued or destroyed by the Board under clause (*a*) except on condition of its providing another drain equally effectual for the drainage of the premises and communicating with any Board sewer which it thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Board and of any work done under clause (*a*) shall be borne by the Board.

71. *Use of drain by a person other than the owner.*—(1) Where the Board either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a Board

sewer is through a drain belonging to another person, the Board may by notice in writing require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Board invalid or insufficient, the Board may by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to—

(*a*) the payment of rent or compensation by the owner of the premises ;

(*b*) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain ;

(*c*) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours ;

(*d*) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

72. *Sewage and rain water drains to be distinct.*—Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Board to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate Board sewer or Corporation drain or other suitable places.

73. *Power to require owner to carry out certain works for satisfactory drainage.*—For the purpose of efficient drainage of any premises, the Board may, by notice in writing—

(*a*) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners

of such buildings with such materials and in such manner as may be approved by the Board, and

(*b*) require such paving to be kept in proper repair.

74. *Appointment of places for the emptying of sewers and disposal of sewage.*—The Board may cause any or all of the Board sewers to empty into, and all sewage to be disposed of at, such place or places as he considers suitable :

Provided that no place which has not been before the commencement of this Chapter used for any of the purposes specified in this section shall, after such commencement be used therefor without the approval of the Board.

Provided further that on and after such date as may be appointed by the Board in this behalf no sewage shall be discharged into any water-course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

75. *Connection with sewers not to be made without permission.*—Without the written permission of the Board, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communication with any sewer referred to in sectoin 63 constructed or maintained by, or vested in, the Board.

76. *Buildings ana private sterets not to be arected or constructed over sewers without permission.*—(1) Without the written permission of the Board no private street shall be constructed and no building, wall, fence or other structure shall be erected on any Board sewer constructed or maintained by, or vested in, the Board.

(2) If any private street be constructed or any building, wall, fence or structure erected on any sewer as aforesaid without the written permission of the Board, Board may remove or otherwise deal with the same as he thinks fit.

(3) The expenses incurred by the Board in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or, as the case may be, by the person offending and shall be recoverable as an arrear of charges payable under this Act.

77. *Rights of user of property for sewers.*—(1) The Board may place and maintain sewers over, under, along or across any immovable property whether within or without the local limits of the Bangalore Metropolitan Area, without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any sewers enter on any property over, under, along or across which the sewers have been laid :

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any sewer is laid.

(2) In the exercise of the powers conferred upon it by this section, the Board shall cause as little damage as may be possible, and shall make full compensation for any damage caused by it.

78. *Power of owner of premises to lay sewer through land belonging to other persons.*—(1) If it appears to the Board that the only or most convenient means of sewerage of any premises is by laying any sewer over, under, along or across the immovable property of another person, the Board may, by order in writing, authorise the owner of the premises to lay or carry such sewer over, under, along or across such immovable property.

Provided that before making any such order the Board shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by regulations made in this behalf as to why the order should not be made :

Provided further that the owner of the premises shall not acquire any right other than a right of user in the pro-

perty over, under, along or across which any such sewer is laid.

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of laying a sewer over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In laying a sewer under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall—

(*a*) cause the sewer to be laid with the least practicable delay ;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of laying such sewer ; and

(*c*) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the laying of such sewer.

(4) If the owner of the immovable property, over, under, along or across which a sewer has been laid under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Board shall, by notice in writing, require the owner of the premises to close, remove or divert the sewer in such manner as shall be approved by him and to fill in, reinstate and make good the immovable property as if the sewer had not been laid over, along or across the same :

Provided that no such requisition shall be made unless in the opinion of the Board it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the sewer should be closed, removed or diverted.

79. *Power to execute work after giving notice to the person liable.*—(1) When under the provisions of this chap-

ter any person may be required or is liable to execute any work, the Board may, in accordance with the provisions of this Act and of any regulations made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.

(2) The expenses incurred or likely to be incurred by the Board in the execution of any such work shall be payable by the said person and the expenses incurred by the Board in connection with the maintenance of such work shall be payable by the person or persons enjoying such amenities and conveniences rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of charges payable under this Act.

80. *Power to affix shafts, etc., for ventilation of sewer or cesspool.*—For the purpose of ventilating any sewer or cesspool, whether vested in the Board or not, the Board may, in accordance with regulations made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to it to be necessary.

81. *Power to examine and test sewers, etc., believed to be defective.*—(1) Where is appears to the Board that there are reasonable grounds for believing that a private sewer or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private sewer communicating directly or indirectly with a Board sewer is so defective as to admit sub-soil water, it may test, other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If on examination the sewer or cesspool is found to be in proper condition, the Board shall, as soon as possible, reinstate any ground which has been opened by him and make good the damage done by it.

82. *Work to be done by lincensed plumber.*—(1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber :

Provided that if, in the opinion of the Sanitary Engineer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) The provisions of section 59 shall be applicable in respect of any work connected with any drain as they are applicable in respect of any work connected with water supply.

83. *Prohibition of certain acts.*—No person shall—

(*a*) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works made for the same purpose ; or

(*b*) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, or other work or apparatus belonging to the Board ; or

(*c*) unlawfully obstruct the flow of or flush, draw off, divert or take sewage from any sewage work belonging to the Board , or

(*d*) obstruct any officer or other employee of the Board in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any sewage work.

84. *Regulations regarding sewerage.*—(1) The Board may with the previous approval of the State Government may, make regulations to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the foregoing provision, such regulations may provide for—

(*a*) the regulation or prohibition of the discharge or deposit of offensive or obstructive matter, polluted water or other polluted and obnoxious matter into sewers;

(*b*) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrines, urinals, cesspools and other sewerage works;

(*c*) the cleansing of sewers;

(*d*) the prohibition of erection of buildings over sewers without the permission of the Board;

(*e*) the connection of private drains with Board sewers;

(*f*) the location and construction of cesspools;

(*g*) the covering and ventilation of cesspools;

(*h*) the period or periods of the day during which trade effluent may be discharged from any trade premises into Board sewers;

(*i*) the exclusion from trade effluent of all condensing water;

(*j*) the elimination from trade effluent, before it enters a Board sewer, of any constituent which in the opinion of the Board would, either alone or in combination with any matter with which it is likely to come into contact while passing through Board sewers, injure or obstruct those sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers;

(*k*) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into Board sewers on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into Board sewers;

(*l*) the regulation of the temperature of trade effluent at the time of its discharge into Board sewers and the securing of the neutrality of trade effluent (that is to say, that it is neither acidic nor alkaline) at the time of such discharge ;

(*m*) the charges to be paid to the Board by occupiers of trade premises for the reception of trade effluent into Board sewers and disposal thereof ;

(*n*) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into Board sewers from trade premises ;

(*o*) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into Board sewers, and the testing of such meters.

(3) In making any regulation under this section, the Board may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after receipt of a notice from the Board to discontinue such breach.

85. *Punishment for certain offences.*—Whoever—

(*a*) contravenes any provisions of any of the sections, sub-sections, clauses, provisos or other provisions of this Act mentioned in the first column of the following Table ; or

(*b*) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or other provisions, shall be punishable—

(i) with fine which may extend to the amount specified in that behalf in the third column of the said Table ; and

(ii) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

TABLE.

Section, sub-section, clause or proviso (1)	*Subject* (2)	*Fine which may be imposed* (3) Rs.	*Daily fine which may be imposed* (4) Rs.
Section 65	Injury to, or interference with free flow of contents of Board sewers or drains or sewers communicating with Board sewers.	100	50
Section 66 sub-section, (2).	Private drain not to be connected with Board sewers without notice.		
Section 67	Non-compliance with requisition for drainage of undrained premises.		
Section 68	Erection of new premises without sewers.	1,000	
Section 69	Non-compliance with requisition for maintenance of drainage works for any group or block of premises.		
Section 70	Non-compliance with direction to close or limit the use of private drainsin certain cases.		
Section 71	Non-compliance with Sanitary Engineer's orders regarding the use of a drain by a person other than the owner thereof.		
Section 73	Non-compliance with requisition for keeping sewage and rain water drains distinct.		

(1)	(2)	(3)	(4)
	Non-compliance with requisition for the pavement of court yard etc.		
	Connection with municipal water works or drains without written permission.		
Section 79, sub-section (4).	Non-compliance with requisition to close, remove or divert a pipe or drain.		
Section 82, sub-section (1).	Execution of work by a person other than a licensed plumber.		
Section 82, sub-section (2) read with Section 59(2).	Failure to furnish when required name of licensed plumber employed.		
Section 82, sub-section (6).	Licensed plumbers not to demand more than the charges prescribed.		
Section 82, sub-section (8).	Licensed plumbers not to contravene bye-laws or execute work carelessly or negligently, etc.		
Section 83	Prohibition of wilful or neglectful acts relating to sewage works.		

CHAPTER VI

MISCELLANEOUS

86. *Annual reports, statistics and returns.*—(1) The Board shall, before such date and in such form as may be prescribed by rules, submit to the State Government an annual report upon such matters as may be prescribed by rules, and the State Government shall cause such report to be published in the official Gazette.

(2) Without prejudice to the provisions of sub-section (1), the Board shall as soon as may be after the end of each financial year, prepare and submit to the State Government in such form as may be prescribed by rules a report giving an account of its activities during the previous financial year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Board in the next financial year ; and the State Government shall cause every such report to be laid before the State Legislature as soon as may be after it is received by the State Government.

(3) The Board shall furnish to the State Government at such times and in such form and manner as may be prescribed by rules or as the State Government may direct. such statistics and returns, and such particulars in regard to any proposed or existing scheme, as the State Government may from time to time require.

87. *Power to make rules.*—(1) The State Government may, after previous publication, by notification make rules to give effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the powers of the Chairman and the term of office of the Chairman and other members of the Board the conditions under which they shall be eligible for re-appointment and their remuneration, allowances and other conditions of service ;

(*b*) the terms and conditions of appointment of members of the Consultative Committee, the convening of meetings of such Committee and the conduct of business thereat ;

(*c*) the form in which the annual financial statement and supplementary statements under section 17 shall be prepared by the Board, and the particulars to be included therein ;

(*d*) the conditions subject to which the Board may borrow under section 21 ;

(*e*) the manner in which stock issued by the Board shall be issued, transferred, dealt with and redeemed ;

(*f*) the manner in which the accounts of the Board shall be published under section 25 ;

(*g*) the form in which and the date by which the annual report of the Board shall be submitted under section 26 and the form and manner of furnishing statistics and returns by the Board under that section.

88. *Regulations.*—(1) The Board may with the previous approval of the State Government make regulations not inconsistent with this Act and the rules made thereunder to provide for all or any of the following matters, namely :—

(*a*) the administration of the funds and other property of the Board and the maintenance of its accounts ;

(*b*) the summoning and holding of meetings of the Board and the times and places at which such meetings shall be held, and the conduct of business thereat and the number of members necessary to constitute a quorum ;

(*c*) the duties of officers and servants of the Boar and their salaries, allowances and other conditions service ;

(*d*) all matters necessary and expedient for regulating the duties of the Board under this Act ;

(*e*) the procedure to be followed by the Board in inviting, considering and accepting tenders ;

(*f*) any other matter arising out of the Board's functions under this Act in which it is necessary or expedient to make regulations.

(2) The power to make regulations under this Act is subject to the condition of previous publication.

89. *Directions by the State Government.*—(1) In the discharge of its functions, the Board shall be guided by such directions on questions of policy as may be given to it by the State Government.

(2) In case of any difference of opinion as to what is a question of policy the decision thereon of the State Government shall be final.

90. *Licenses and written permissions.*—(1) Whenever it is provided in this Act or any rule or regulation made thereunder that a licence or a written permission may be granted for any purpose, such licence or written permission shall be signed by the Water Supply Engineer or the Sanitary Engineer, as the case may be, or by the officer empowered to grant the same under this Act or the rules or regulations made thereunder and shall specify in addition to any other matter required to be specified under any other provision of this Act or any provision of any rule made thereunder,—

(*a*) the date of the grant thereof ;

(*b*) the purpose and the period (if any) for which it is granted ;

(*c*) restrictions or conditions, if any, subject to which it is granted ;

(*d*) the name and address of the person to whom it is granted ; and

(*e*) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in this Act or any rule or regulation made thereunder, for every such licence or written permission, a fee may be charged at such rate as

may from time to time be fixed by the Board and such fee shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any rule or regulation made thereunder any licence or written permission granted under this Act or any rule or regulation made thereunder may at any time be suspended or revoked by the Board or by the officer by whom it was granted, if it or he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or any rule or regulation made thereunder relating to any matter for which the licence or permission has been granted :

Provided that—

(*a*) before making any order of suspension or revocation reasonable opportunity shall be afforded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked ;

(*b*) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any rule made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times, while such licence or written permission remains in force, if so required by the Board or the authority by whom it was granted, produce such licence or written permission.

91 *Powers of entry and inspection.*—The Chief Engineer the Water Supply Engineer, the Sanitary Engineer, or any officer authorised by the Board in this behalf or empowered in this behalf by or under the provisions of this Act, may enter into or upon any land or building with or without assistants and workmen—

(*a*) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act or any rule regulation made thereunder;

(*b*) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Board or any officer authorised or empowered in this behalf to take action of execute any work under this Act or any rule or regulation made thereunder;

(*c*) for the purpose of taking any action or executing any work authorised or required by this Act or any rule or regulation made thereunder;

(*d*) to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act, or necessary for the proper administration of this Act.

(*e*) generally for the purpose of efficient discharge of the functions by any officer of the Board under this Act or any rule or regulation made thereunder.

92. *Power to enter land adjoining land in relation to any work.*—(1) The Chief Engineer, the Water Supply Engineer, the Sanitary Engineer or any officer authorised in this behalf by the Board or empowered in this behalf by or under any provision of this Act, may enter on any land within fifty metres of any work authorised by or under this Act with or without assistants and workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorised shall, before entering on any such land, state the purpose thereof, and shall, if so

required by the owner or occupier thereof, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Board in accordance with regulation made in this behalf to the owner or occupier of such land or to both for any such damage, whether permanent or temporary.

93. *Breaking into buildings.*—(1) It shall be lawful for the Chief Engineer, the Water Supply Engineer the Sanitary Engineer, or any officer authorised in this behalf by the Board or empowered in this behalf by, or under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier,—

(*a*) if he considers the opening thereof necessary for the purpose of such entry ; and

(*b*) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Chief Engineer, the Water Supply Engineer, the Sanitary Engineer or the person authorised or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Board as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

94. *Time of making entry.*—Save as otherwise provided in this Act or any regulation made thereunder, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

95. *Consent ordinarily to be obtained.*—Save as otherwise provided in this Act or any regulation made thereunder, no entry upon or in into any land or building shall be made without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry.

96. *Regard to be had to social or religious usages.*—When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonble facility has been afforded to her for withdrawing.

97. *Prohibition or obstruction or molestation in execution of work.*—No person shall obstruct or molest any person authorised or empowered by or under this Act in the execution of his duty or of anything which he is authorised or empowered or required to do by virtue or in consequence of any of the provisions of this Act or any or regulation made thereunder.

98. *Notices, etc., to fix reasonable time.*—Where any notice, bill, order or requisition issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or the regulation made thereunder, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

99. *Signature on notices, etc., may be stamped.*—(1) Every licence, written permission, notice, bill, summons or other document wihch is required by this Act or any rule or regulation made thereunder to bear the signature of

the Water Supply Engineer of the Sanitary Engineer or of any officer authorised or empowered to do so shall be deemed to be property signed if it bears a facsimile of the signature of any such officer, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque.

100. *Notices, etc., by whom to be served or issued.*—All notices, bills, summonses and other documents required by this Act or any rule or any regulation made thereunder to be served upon, or issued to, any person, shall be served or issued by such persons as may be authorised by the Board.

101. *Service of notices, etc.*—(1) Every notice, bill, summons, order, requisition or other document required or authorised by this Act or any rule or regulation made thereunder to be served or issued on any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served—

(*a*) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either—

(i) sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company ;

(*b*) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(ii) sent by registered post, or

(ii) delivered at the said place of business ;

(*c*) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the secretary, treasurer or other head officer

of that body, corporation or society at its principal office, and is either—

(i) sent by registered post, or

(ii) delivered at that office;

(*d*) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the State of Mysore, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(*a*) if the document so addressed is sent or delivered in accordance with clause (*d*) of sub-section (1); or

(*b*) if the document so addressed or a sopy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Water Supply Engineer or the Sanitary Engineer, any other officer may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his gurdain or any adult member of his family shall be deemed to be service upon the minor.

(6) Nothing in sections 99 and 100 and in this section shall apply to any summons issued under this Act by a Court.

(7) A servant is not a member of the family within the meaning of this section.

102. *Service of bills for charges or notice of demand by ordinary post.*—Notwithstanding anything contained in sections 100 and 101 a bill for any charges or a notice of demand may be served by sending it by ordinary post with a prepaid letter under a certificate of posting addressed to the appropriate person specified in section 101 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

103. *Power in case of non-compliance with notice, etc.*—In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or regulation made thereunder, requiring such person to execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Board on demand and if not paid within ten days after such demand, shall be recoverable as an arrear of charges payable under this Act.

104. *Liability of occupier to pay in default of owner.*—(1) If any notice, order or requisition has been issued to any person in respect of property, of which he is the owner, the authority or officer at whose instance such notice, order or requisition has been issued, may require the occupier of such property or of any part thereof to pay to him, instead of to the owner, any rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under section 103 :

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under section 103 as an arrear of charges payable under this Act.

(2) Any amount recovered from an occupier instead of from an owner under sub-section (1), shall in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

105. *Execution of work by occupier in default of owner and deduction of expenses from rent.*—Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or any rule or regulation made thereunder, the occupier, if any, of such land or building may, with the approval of the Board, as the case may be, execute the said work and he shall, subject to any contract between the owenr and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

106. *Relief to agents and trustees.*—Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustees, or of his being as a receiver, agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act or any rule or regulation made thereunder, be bound to

discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Board may by notice in writing require him, to apply to the discharge of his obligation as aforesaid the first moneys which may come to his hands on behalf, or for the use, of the owner, and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

107. *Compensation to be paid by offenders for damage caused by them.*—(1) Any person who has been convicted of an offence against this Act or any rule or regulation made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Board resulting from the said offence as the Board may consider reasonable.

(2) In the event of a dispute regarding the amount of compensation payable under sub-section (1) such amount shall, on application made to him, be determined by the magistrate before whom the said person was convicted of the said offence; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said magistrate as if it were a fine imposed by him on the person liable therefor.

108. *Mode of recovery of dues.*—Any sum due to the Board on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or any

rule, regulation or order made thereunder may, without prejudice to any other mode of recovery, be recovered from any person from whom such sum is due—

(*a*) as if it were an arrear of land revenue ; or

(*b*) on application to any judicial magistrate, by such magistrate as if it were a fine imposed by him.

109. *General penalty.*—Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision of this Act or any rule or regulation or otherwise contravenes any of the provisions of this Act or any rule or regulation, shall be punishable with fine which may extend to one hundred rupees, and in the case of a containing failure or contravention, with an additional fine which may extend to twenty rupee for every day during which such failure or contravention continues after conviction for the first such failure or cantravention.

110. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the buniness of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager,

secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means a body corporate, and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm means a partner in the firm.

111. *Prosecutions.*—Save as otherwise provided in this Act, no Court shall proceed with the trial of any offence made punishable by or under this Act or any regulation except on the complaint of, or upon information received from, the Water Supply Engineer, the Sanitary Engineer or any officer authorised by the Board by a general or special order in this behalf.

112. *Composition of offences.*—(1) The Board or any officer of the Board authorised by it by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act:

Provided that no offence shall be compounded which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Board unless and until the same has been complied with so far as such compliance is possible.

(2) Where an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

113. *Arrest of offenders.*—(1) The Chief Engineer, the Water Supply Engineer, Sanitary Engineer, any officer authorised in this behalf by the Board or any police officer may arrest any person who commits in his view any offence

against this Act or against any rule or regulation made thereunder, if—

(*a*) the name and address of such person be unknown to him, and

(*b*) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the nearest magistrate, for a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

114. *Duties of police officers and employees of the Corporation.*—It shall be the duty of all police officers and employees of the Corporation to give immediate information to the Board or officers of the Board authorised in this behalf, of the commission of, or the attempt to commit, any offence against this Act or any rule or regulation made thereunder and to assist all such officers in the exercise of their lawful authority.

115. *Validity of notices and other documents.*—No notice, order, requisition, licence, permission in writing or any other document issued under this Act or any rule or regulation shall be invalid merely by reason of defect of form.

116. *Admissibility of document or entry as evidence.*—A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of Board shall, if duly certified by the legal keeper thereof or other person authorised by the Board in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original docu-

ment or entry would, if produced, have been admissible to prove such matters and transactions.

117. *Evidence of officers of Board.*—No officer or servant of the Board shall in any legal proceedings to which the Board is not a party, be required to produce any register or document the contents of which can be proved under section 116 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

118. *Delegation of powers.*—The Board may by notification direct that any power conferred or any duty imposed on the Water Supply Engineer or the Sanitary Engineer by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised or performed also by any other officer or servant of the Board specified in the notification.

119. *Chief Controlling Authority.*—(1) The Board shall be the Chief Controlling authority in respect of all matters relating to the administration of this Act and for that purpose may exercise all powers necessary in that behalf.

(2) The Chief Engineer or any other officer or officers notified by the Board in this behalf may also exercise any power or perform any function which the Water Supply Engineer or the Sanitary Engineer may exercise or perform under this Act or any rule or regulation made thereunder.

120. *Appeals.*—Any person aggrieved by any decision or order of the Water Supply Engineer or the Sanitary Engineer or other officer under this Act or any rule or regulation made thereunder may within a period of sixty days from the date of such decision or order appeal to the authority prescribed by the regulations and subject to revision

by the Board, the orders of the appellate authority on such appeal shall be final.

121. *Revision.*—The Board may call for the records of any proceedings of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of any order or proceeding and may pass such order with respect thereto as it thinks fit.

122. *Rules and regulations to be laid before State Legislature, etc.*—(1) Every rule or regulation made under this Act and every order made under section 129 shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and before the expiry of the said period, either House of the State Legislature makes any modification in any rule or regulation or order or directs that any rule or regulation or order shall not have effect, and if the modification or direction is agreed to by the other House, such rule or regulation or order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

(2) A rule or regulation under this Act may be made with retrospective effect and when such a rule or regulation is made the reasons for making the rule or regulation shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (1), every rule or regulation made under this Act shall have effect as if enacted in this Act.

123. *Provisions as to employees of the Corporation employed in connection with water supply or sewarage undertakings.*—(1) With effect from the date on which Chapter IV or Chapter V as the case may be, comes into force, every officer and other employee of the Corporation employed in connection with the Water Supply Undertaking of the Corporation or the Sewage Undertaking of the Corporation, as the case may be, shall stand tranferred

to and become an officer or other employee of the Board with such designations at the State Government may determine and shall hold office by the same tenure, at the same remmuneration and on the same terms and conditions of service as he would have held the same if he had continued to be an officer or employee of the Corporation and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Board.

Provided that any service rendered by such officer or employee under the Corporation before such transfer shall be deemed to be service rendered under the Board.

(2) The Board may employ any officer or other employee transferred under sub-section (1) in the discharge of such functions under this Act as it may think proper and every such officer or other employee shall discharge those functions accordingly.

124. *Members, officers and servants of the Board to be public servants.*—(1) All members, officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act or any rule or regulation made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860) and the Prevention of Corruption Act, 1947 (Central Act 2 of 1947) for the time being in force.

(2) The words "State Government" and "Government" in section 161 of the Indian Penal Code shall for the purposes of sub-section (1) be deemed to include the Board.

125. *Protection of action of Board, etc.*—(1) No suit or prosecution shall be entertained in any Court against the Board or against any officer or servant of the Board or against any person acting under the order or direction of the Board or any officer or servant of the Board for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

(2) No suit, prosecution or other legal proceeding shall lie against any officer or servant of the Board for any act done or purporting to be done under this Act or any rule or regulation made thereunder without the previous sanction of the Board.

126. *Notice to be given of suits.*—(1) No suit shall instituted against the Board or against any officer or servant of the Board or against any person acting under the order or direction of the Board or any officer or other servant, in respect of any act done, or purporting to have been done in pursuance of this Act or any rule or regulation made thereunder, until the expiration of two months after notice in writing has been left at the office of the Board and, in the case of such officer, servant or person, unless notice in writing has also been delivered to him or left at his office or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

(2) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of institution of the suit.

127. *Continuation of appointments, notifications, rules, bye-laws, etc.*—(1) With effect from the date on which Chapter IV comes into force.

(*a*) any appointment, notification, order, scheme, rule, bye-law, form or notice made or issued, and any licence or permission granted under the City of Bangalore Municipal Corporation Act, 1949, in so far as it relates to the water supply undertaking, shall continue in force and be

deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, regulation, form or notice made or issued or any licence or permission granted under the provisions of this Act;

(*b*) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done by, with, or for the Corporation in connection with the water supply undertaking shall be deemed to have been incurred, entered into or engaged to be done by, with, or for the Board;

(*c*) all property, movable and immovable, and all interests of whatsoever nature and kind therein vested in the Corporation in so far as they relate to the water supply undertaking shall, with all rights of whatsoever description used, enjoyed or possessed by the Corporation in respect of the water supply undertaking, vest in the Board;

(*d*) all rates, fees, rents and other sums of money due to the Corporation in connection with the water supply undertaking shall be deemed to be due to the Board.

(*e*) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Corporation, so far as the relate to the water supply undertaking may be continued or be instituted by or against the Board.

(2) With effect from the date on which Chapter V comes into force,

(*a*) any appointment, notification, order, scheme, rule, bye-law, form or notice made or issued, and any licence and permission grantned under the City of Bangalore Municipal Corporation Act, 1949, in so far as they relate to the sewerage undertaking, shall continue in forec and be deemed to have been made, issued or granted under the provisions of this Act, unless and untill it is superseded by any appointment, notification, order, scheme, rule, regulation, form or notice made or issued or any licence or permission granted under the provisions of this Act,

(*b*) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done by, with, or for the Corporation in connection with the sewerage undertaking, shall be deemed to have been incurred, entered into or engaged to be done, by, with, or for the Board ;

(*c*) all property, movable and immovable, and all interests of whatsoever nature and kind therein vested in the Corporation in so far as they relate to the sewerage undertaking shall, with all rights of whatsoever description used, enjoyed or possessed by the Corporation in rsspect of the sewerage undertaking, vest in the Board ;

(*d*) all rates, fees, rents and other sums of money due to the Corporation in connection with the sewerage undertaking shall be deemed to be due to the Board ;

(*e*) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Corporation, so far as it relates to the sewerage undertaking may be continued or be instituted by or against the Board.

128. *Amendment of Mysore Act LXIX of 1949.*—(1) With effect from the date on which Chapter IV comes into force, the City of Bangalore Municipal Corporation Act, 1949, shall have effect subject to the following amendments, namely :—

(i) Sections 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181 and 182 shall be omitted.

(ii) In section 367,—

(*a*) in clause (5), for sub-clause (*a*), the following sub-clause shall be substituted, namely :—

"(*a*) for the use of public tanks, wells, conduits or other works for the use of water therefrom; " and sub-clauses (*c*), (*d*), (*e*), (*f*), (*g*), (*h*), and (*i*) shall be omitted ;

(*b*) in clause (7), in sub-clause (*e*), the words "closed cesspools and" shall be omitted and in sub-clause (f), the words "pipes or" shall be omitted.

(2) With effect from the date on which Chapter V comes into force, the City of Bangalore Municipal Corporation Act, 1949, shall have effect subject to the following amendments, namely :—

(i) In section 184, the word "pipes" shall be omitted, and for the words "public drains, pipes and drainage works" the words "public surface drains and drainage works connected therewith" shall be substituted ;

(ii) In section 187,—

(*a*) in sub-section (1), for the words "public drain", the words "public surface drain" shall be substituted ;

(*b*) sub-sections (3) and (4) shall be omitted.

(iii) In sections 188 and 189, for the words "public drain" the words "public surface drain" shall be substituted ;

(iv) In section 199, the word 'water-supply" shall be omitted.

(v) In section 368, the words "and supply of water to" and "and water closets, earth closets, privies, ash pits and cess pools in connection with buildings and the keeping of water closets supplied with sufficient water for flushing" shall be omitted.

(3) Notwithstanding the amendments to the provision of the City of Bangalore Municipal Corporation Act, 1949, by sub-section (1) or sub-section (2), the property tax payable to the Corporation as water tax or sanitary cess shall continue to be payable to the Corporation in respect of the year for which such tax or cess would have been payable before the coming into force of Chapter V of this Act.

(4) Notwithstanding anything contained in the City of Bangalore Municipal Corporation Act, 1949, after the coming into force of Chapter IV of this Act, the Corporation shall pay to the Board such percentage of the property tax collected as water tax during such years as the State Government may by order specify.

129. *Orders for bringing this Act into force.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government may, by order published in the official Gazette, make such provisions as appears to it to be necessary or expedient—

(*a*) for bringing the provisions of this Act into effective operation ;

(*b*) for making omissions from, additions to and adaptations and modifications of the rules, bye-laws, notifications and orders referred to in clause (*a*) of sub-section (1) of section 127 or clause (*a*) of sub-section (2) of section 127 for purposes of giving effect to the provisions of this Act ;

(*c*) for removing difficulties arising in connection with the transition to the provisions of this Act including difficulties in the construing of references to the Corporation or other authorities in any law ;

(*d*) for authorising continued carrying on for the time being by the Board of services and activities carried on by the Corporation ; and

(*e*) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the powers or jurisdiction of any authority and empowering other authorities to exercise such jurisdiction as may be specified in such order.

(2) The provisions made by any order under sub-section (1) shall, subject to the provisions of section 122, have effect as if enacted in this Act, and any such order

may be made so as to be retrospective to any date not earlier than the date of commencement of this Chapter:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provisions thereof retrospective to any date before the making thereof.

STATEMENT OF OBJECTS AND REASONS

At present the Head-works and the Rising Main of the Bangalore Water Supply Scheme are under the control of Government while the distribution of water is under the control of the Bangalore Municipal Corporation. The present water supply being inadequate, Government have sanctioned the Cauvery Water Supply Scheme at an estimated cost of Rs. 26 crores. It will be necessary to change the present distribution system wherever necessary to suit the proposed water supply. As the supply of water from the new scheme will be adequate, it will be necessary to improve the present underground drainage system to make use of the water to the maximum extent. It is, therefore, necessary to entrust the administration of water supply and sewerage to the same Authority. The World Bank Authorities who will be financing the Water Supply Scheme have desired that the administration of both the Water Supply and Drainage in Bangalore be entrusted to an independent and autonomous body. The proposed Board will be solely in charge of the Water Supply and Underground drainage in Bangalore. The present Bill provides for constitution of Water Supply and Sewerage Board for Bangalore.

FINANCIAL MEMORANDUM

The proposed Water Supply and Sewerage Board is expected to be self-sufficient inasmuch as the entire establishment charges are recovered out of the water rate that will be charged to the consumers.

The annual expenditure on the Board staff and execution of the scheme, etc., is expected to be about Rs. 35 lakhs per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 4.—This clause empowers the State Government to make rules determining the period of office of and conditions for reappointment of the Chairman and members of the Board.

Clause 11.—Sub-clause (2) of this clause empowers the Board to make regulations for fixing the quorum for meetings of the Board.

Clause 13.—This clause empowers the State Government to prescribe conditions for appointment by the Board of qualified persons a spublic health engineers.

Clause 14.—By item (iv) of sub-clause (4) of this clause, the State Government has been empowered to prescribe matters other than those specified in items (i) to (iii) which the Consultative Committee should consider.

Clause 17.—This clause empowers the State Government to prescribe the form in which the Board should submit annual financial statement to the Government as also the particulars to be included in such statement.

Clause 21.—This clause empowers the State Government to make rules regulating the conditions subject to which the Board may borrow any sum, empowering the Board to borrow by issue of bonds, stocks or otherwise and to make arrangements with bankers, and providing for the manner in which stocks issued by the Board may be issued, transferred or dealt with.

Clause 24.—By the proviso to sub-clause (2) of this clause the State Government is empowered to make rules prescribing the period after which contribution in respect of any asset to the depreciation reserve shall cease.

Clause 25.—Sub-clause (1) of this clause empowers the State Government to prescribe the form of the annual statement of accounts; and sub-clause (5) empowers the State

Government to prescribe the manner of publishing the accounts of the Board.

Clause 31.—This clause empowers the Board to make regulations specifying the rates and conditions regarding the supply of water for different purposes.

Clause 35.—Sub-clause (2) of this clause empowers the Board to make regulations fixing the charges and rates for laying pipes and water fittings and determining their dimensions and description for supply of water for non-domestic purposes.

Clause 47.—Sub-clause (3) of this clause empowers the Board to make regulations regarding the use, rent to be paid for such use, maintenance and testing of water-meters attached to service pipes in premises.

Clause 59.—Sub-clause (4) of this clause empowers the Board to make regulations for the guidance of licensed plumbers, and sub-clause (7) empowers the Board to make regulations for the matters specified in items (*a*), (*b*) and (*c*) of the sub-clause.

Clause 61.—This clause empowers the Board to make regulations to carry out the purposes of Chapter IV. The various matters in respect of which such regulations may be made by the Board are specified in sub-clause (2) of this clause.

Clause 66.—This clause empowers the State Government to make rules relating to application to be made by owners and occupiers of any premises having any private drain to have his drain to communicate with Board sewers and with respect to discharging directly or indirectly any trade effluent into any Board sewer.

Clause 79.—This clause empowers the Board to make regulations regarding execution of works by the Board, which any person is liable to execute.

Clause 84.—This clause empowers the Board to make regulations to carry out the purposes of Chapter V. The

various matters in respect of which regulations may be made are those specified in sub-clause (2) of this clause.

Clause 86.—Sub-clause (1) of this clause empowers the State Government to make rules specifying the form in which and, the matters in respect of which the annual report should be submitted to the State Government, and sub-clause (3) empowers the State Government to make rules specifying the time, form and manner in which statistics and returns and particulars regarding any particular scheme should be furnished by the Board to the State Government.

Clause 87.—This clause empowers the State Government to make rules to give effect to the provisions of the Act. The various matters with respect to which rules may be made are specified in sub-clause (2).

Clause 88.—This clause empowers the Board to make regulations for certain purposes enumerated in sub-clause (1).

Clause 129.—This clause empowers the State Government to make orders for removing difficulties in giving effect to the provisions of the Act and other connected matters.

The rules and regulations authorised under the provisions of this Bill and orders issued by the State Government under clause 129 have to be laid before the State Legislature under clause 122 and are subject to modifications by the State Legislature.

The delegation of legislative power provided for in the Bill is necessary for the implementation of the provisions thereof and is of a normal character.

K. PUTTASWAMY.

G. S. VENKATARAMANA IYER,
Secretary, Mysore Legislature

THE SCHEDULE.

(See section 24).

TABLE.

Description of asset	*Number of Years or period*
A. Land owned under full title	.. Infinite
B. Land held under lease—	
(*a*) for investment in the land	.. The period of the lease or the period remaining unexpired on the assignment of the lease.
(*b*) for cost of clearing site	.. The period of the lease remaining unexpired at the date of clearing the site.
Assets purchased new.—	
(*a*) Buildings and civil engineering works of a permanent character, not mentioned above,—	
(*i*) offices	.. Fifty
(*ii*) temporary erections such as wooden structures.	Five.
(*iii*) roads other than Kutcha roads	One hundred.
(*iv*) others	.. Fifty.
(*b*) Self-propelled vehicles	.. Seven.
(*d*) (*i*) Office furniture and fittings	.. Twenty.
(*ii*) Office equipment	.. Ten
D. Assets purchased second-hand and assets not otherwise provided for in this Table.	Such reasonable period as the State Government determines in each case having regard to the nature, age and condition of the asset at the time of its acquisition by the owner.

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PART IV 2—A

BANGALORE, THURSDAY, JUNE 25, 1964
(ASHADHA 4, SAKA ERA 1886).

No. 167

NOTIFICATION

No. 4817 L. A., Bangalore—1, dated 25th June 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Bombay Provincial Municipal Corporations (Mysore Amendment) Bill, 1964,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (MYSORE AMENDMEN.) BiII, 1964.

A Bill further to amend the Bombay Provincial Municipal Corporations Act, 1949.

WHEREAS it is expedient further to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bombay Act 59 of 1949),

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title and commencement.— (1) This Act may be called the Bombay Provincial Municipal Corporations (Mysore Amendment) Act, 1964.

(2) It shall come in to force at once.

2 Amendment of section 3.—In section 3 of the Bombay Provincial Municipal Corporations Act, 1949 (Bombay Act 59 of 1949) (hereinafter referred to as the principal Act), for sub-sections (3) and (4), the following sub-sections shall be substituted, namely :—

"(3) The State Government may, subject to the provisions of sub-section (4), by notification in the official Gazette,

(a) include within the limits of a city any local area adjacent thereto; or

(b) exclude from the limits of a city any local area comprised therein.

Every such notification shall define the limits of the ocal area to which it relates.

(4) The power to issue a notification under sub-section (3) shall be subject to the following conditions, namely :—

(a) a notification of the proposal to include or exclude the local area shall be published in the official

Gazette for the information of all persons likely to be affected thereby inviting objections and suggestions within such period from the date of such publication as may be specified in such notification ;

(*b*) a copy of such notification shall be referred to the Corporation for expressing its views thereon within the period specified in such notification ; and

(*c*) such draft shall not be further proceeded with until the period specified in the notification has expired.

(5) Save as otherwise provided in this Act or any other law for the time being in force, when a local area is excluded from a city,—

(i) the rights and liabilities of the Corporation in such area shall vest in the State Government ; and

(ii) the State Government shall after consulting the Corporation determine what portion of the Municipal fund and all other property vested in the Corporation shall vest in the State Government for the benefit of the inhabitants of such local area, and how the liabilities of the Corporation shall be apportioned between the Corporation and the State Government.

(6) When a local area is included in a city, the provisions of this Act and all taxes, notifications, rules, bye-laws, regulations, orders, directions and powers, levied, issued, made or conferred under this Act or any other law applicable to the city shall apply to the said area from the date of inclusion of such area within the city."

3 Amendment of section 5.—In sub-section (3) of section 5 of the principal Act, after the words "from time to time", the words "and after previous publication of a draft of the proposals" shall be inserted.

4 Substitution of new sections for sections 8 and 9.— For sections 8 and 9 of the principal Act, the following sections shall be substituted, namely :—

"**8 Right to vote.**—Every person whose name is in the electoral roll referred to in section 9 shall, unless disqualified under any law for the time being in force, be qualified to vote at the election of a councillor for the ward to which such roll pertains.

9. Electoral Roll.—(1) The electoral roll of the Mysore Legislative Assembly for the time being in force for such part of the Constituency of the Assembly as is included in any ward referred to in sub-section (3) of section 5 shall, for purposes of this Act be deemed to be the electoral roll for such ward.

(2) The Commissioner shall maintain in the manner prescribed by rules made under section 457 the electoral roll for each ward referred to in sub-section (3) of section 5.

Explanation:—For the purposes of this section 'electoral roll' shall mean an electoral roll prepared under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1950), for the time being in force."

5. Amendment of section 16.—In sub-section (1) of section 16 of the principal Act, for the words "any person enrolled in the municipal election roll", the words "any person qualified to vote at that election" shall be substituted.

6. Amendment of section 457.—In sub-section (1) of section 457 of the principal Act,—

(i) clause (a) shall be omitted ; and

(ii) for clause (b), the following clause shall be substituted, namely ;—

"(b) the manner of maintaining the electoral roll for each ward ; "

7. Insertion of new section 488A.—After section 488 of the principal Act, the following section shall be inserted, namely :—

"**488A Special provisions as to rural areas.**—Notwithstanding anything contained in this Act,—

(a) the Corporation with the previous approval of the State Government may, by notification in the official Gazette,—

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit ;

(ii) levy taxes, rates, fees and other charges in the rural areas or any portion thereof at rates lower than those at which such taxes, rates, fees and other charges are levied in the urban areas or exempt such areas or portion from any such tax,

(b) the Corporation with the previous approval of the State Government may by notification in the official Gazette declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification, that portion shall be included in and form part of the urban area.

Explanation :—In this section—

(i) "rural areas" means the areas of a City which immediately before the establishment of a Corporation for that City or inclusion within the limits of such city as the case may be, were situated within the local limits of any Panchayat established under the Mysore Village Panchayats and Local Boards Act, 1959, but shall not include such portion thereof as may by virtue of a notification under clause (b) of this section cease to be included in the rural areas as herein defined.

(ii) "urban areas" means, the areas of the City which are not rural areas."

8. Insertion of new sections 489A, 489B and 489C.— After section 489 of the principal Act, the following sections shall be inserted, namely :—

"**489A. Effect of absorption of panchayat area into a city.**—If any local area consisting of one or more revenue villages in respect of which a Panchayat has been constituted under the Mysore Village Panchayats and Local Boards Act, 1959, is included in a city by virtue of a notification under sub-section (3) of section 3, then, notwithstanding anything contained in this Act or in the Mysore Village Panchayats and Local Boards Act, 1959, but subject to the provisions of section 3 of this Act, with effect from the date on which such area is included in a city, the following consequences shall ensue, namely :—

(a) the panchayat of such local area (hereinafter referred to as the panchayat) shall cease to exist and the Taluk Development Board of the Taluk in which such area is situated shall cease to have jurisdication over such area ;

(b) the unexpended balance of the panchayat fund and the property (including arrears of rates, taxes and fees) belonging to the panchayat and all rights and powers which prior to such notification, vested in the panchayat shall, subject to all charges and liabilities affecting the same, vest in the Corporation ;

(c) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued imposed or granted under the Mysore Village Panchayat and Local Boards Act, 1959, immediately before the said date in respect of the said local area shall insofar as it is not inconsistent with the provisions of sub-sections (6) of section 3 continue in force and be deemed to have been made, issued, imposed or granted under this Act, until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form, made, issued, imposed or granted under this Act ;

(d) all budget estimates, assessments, assessment lists, valuations or measurements, made or authenticated

under the Mysore village Panchayats and Local Boards Act, 1959, immediately before the said date in respect of the said local area shall be deemed to have been made or authenticated under this Act ;

(e) all debts and obligations incurred and all contracts made by or on behalf of the panchayat immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Corporation in exercise of the powers conferred on it by this Act ;

(f) all officers and servants in the employ of the panchayat immediately before the said date shall be officers and servants of the Corporation under this Act and shall, until other provisions is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date :

Provided that it shall be competent to the Corporation, subject to the previous sanction of the State Government, to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the municipal service, after giving such officer or servant such notice as is required to be given by the terms of his employment, and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service, as if the panchayat, in the employ ofwhich he was, had not ceased to exist ;

(*g*) all proceedings pending on the said date before the panchayat shall be deemed to be transferred to and shall be continued before the Corporation ;

(*h*) all appeals pending before any authority shall so far as may be practicable, be disposed of as if the said local area had been included in the city when they were filed ;

(*i*) all prosecutions instituted by or on behalf of the panchayat and all suits or other legal proceedings instituted by or against the panchayat pending on the said date shall

be continued by or against the Corporation as if the said local area had been included in the city when such prosecutions, suits or proceedings were instituted ;

(*j*) all arrears of rates, taxes and fees vesting in the Corporation shall, notwithstanding that such rates and fees cannot be levied under this Act, be recoverable in the same manner as a tax recoverable under this Act ;

(*k*) until the reconstitution of the Corporation in accordance with the provisions of this Act, notwithstanding anything to the contrary contained in any notification issued under section 5 of this Act, such number of persons ordinarily resident in the local area included in a city who are nominated by the State Government shall be additional councillors of the Corporation.

489B. Effect of absorbtion of a part of a panchavat area into a city.—If any part of an area within the limits of a Panchayat is included in a city then, notwithstanding anything contained in this Act or in the Mysore Village Panchayats and Local Boards Act, 1959, but subject to the provisions of sub-section (6) of section 3, with effect from the date on which such area is included in a city the follwing consequences shall ensue, namely: —

(*a*) so much of the Panchayat Fund and other property vesting in the Panchayat shall be transferred to the Municipal Fund as the State Government may, by order in writing, direct;

(b) the rights and liabilities of the Panchayat in respect of civil and criminal procedings, contracts, and other matters or things (including arrears of taxes, fees and cess) arising in or relating to any part of the area included in the city shall vest in the Corporation; and such rights and liabilities may be enforced by or against the Corporation under this Act or the rules, bye-laws, regulations and orders made thereunder;

(*c*) such officers and servants of the Panchayat shall be transferred to the Corporation as the State Government may, by order, direct;

(*d*) if the area included is an area in which not less than ten thousand persons reside, until the reconstitution of the Corporation in accordance with the provisions of this Act, one person ordinarily resident in such area who is nominated by the State Government shall be an additional councillor of the Corporation.

489C. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of section 489A or section 498B, the State Government may by order published in the official Gaz tte, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty."

9. Amendment of Appendix IV.—In paragraph 22 of Appendix IV to the principal Act, after clause (*c*), the following proviso shall be and shall always be deemed to be inserted, namely:—

"Provided that the State Government may by notification in the official Gazette extend the period specified under clause (*a*) by such period or periods as it thinks fit."

10. Amendment of the Schedule.— In Chapter I of the Schedule to the principal Act,

(i) the sub heading "Municipal Election Roll" occuring after the Chapter heading 'ELECTION RULES" shall be omitted;

(ii) rules 1 to 6 (both inclusive) shall be omitted ;

(iii) for the words "municipal election roll", wherever they occur the words "electoral roll", shall be substituted.

(iv) in rule 43, for the words "election roll", the words "electoral roll" shall be substituted.

(v) in rule 44, the figures and brackets "3, 4(1), 5" shall be omitted.

Statement of Objects and Reasons.

The Hubli-Dharwar Municipal Corporation has proposed to develop the entire area between the two units, *viz.*, Hubli and Dharwar on a planned basis in accordance with the Development Plan prepared by the Town Planning Department. For taking up the development activities and also avoiding any haphazard growth and unauthorised constructions within the area, it is necessary to include the said area within the Corporation limits. So it is proposed to amend the Act to provide for the inclusion of areas within the jurisdiction of panchayats. Certain other necessary amendments to the Bombay Provincial Corporations Act, 1949 are also necessary for holding elections to the Corporation. Hence the Bill.

Memorandum regarding delegated Legislation.

Clause 6.—Under the new clause (*b*) of sub-section (1) of section 457 proposed to be substituted by this clause, the State Government is empowered to make rules regarding the manner of maintaining the electoral roll for each ward

Clause 8.—Under the new section 489C proposed to be inserted by this clause the State Government is empowered to make provisions for removing any difficulty arising in giving effect to the provisions for new sections 489A and 489B.

The delegation of legislative power is of a normal character.

K. PUTTASWAMY,
Secretary.

G. S. VENKATARAMANA IYER,
Secretary.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2A

BANGALORE, THURSDAY, JUNE 25, 1964
(ASHADHA 4, SAKA ERA 1886)

No. 168

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION

No. 4618/L.A., dated Bangalore, 25th June 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Hyderabad Abolition of Inams (Mysore Amendment) Bill, 1964**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE HYDERABAD ABOLITION OF INAMS (MYSORE AMENDMENT) BILL, 1964.

A Bill further to amend the Hyderabad Abolition of Inams Act, 1955.

WHEREAS it is expedient further to amend the Hyderabad Abolition of Inams Act, 1955 (Hyderabad Act VIII of 1955) ;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Hyderabad Abolition of Inams (Mysore Amendment) Act, 1964.

2. Amendment of section 15.—In section 15 of the Hyderabad Abolition of Inams Act, 1955 (Hyderabad Act VIII of 1955), to clause (ii) of sub-section (2), the following proviso shall be added, namely :—

> "Provided that the amount payable under the bonds issued under this clause may be paid in such number of instalments not exceeding ten as may be prescribed."

Statement of Objects and Reasons

Under the existing section 15 (2) of the Hyderabad Abolition of Inams Act, 1955, the compensation payable under this Act may, in accordance with Rules made in this behalf, be paid in one or more of the following modes, namely :—

(*i*) in cash in full or in annual instalments not exceeding ten ;

(*ii*) in bonds either negotiable or not negotiable, carrying interest at the rate specified in sub-section (1) and of guaranteed face value maturing within a specified period not exceeding ten years.

2. Thus, according to the existing law, the compensation payable in bonds will have to be paid in a lump on the maturity of the bonds. Under rule 5 of the Mysore (Personal and Miscellaneous) Inams Abolition (Compensation Bond) Rules, the principal of the bond shall be paid in ten equal instalments along with the interest then accrued due on the bond. It is proposed to make a similar provision in the Hyderabad Inams (Abolition) (Compensation Bond) Rules, also. For making such a provision, it is necessary to amend section 15 (2) (*ii*) of the Hyderabad Abolition of Inams Act, 1955, on the same lines as section 18 of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954, as amended by the Mysore Act 1 of 1959. The present Bill provides for such an amendment by adding a proviso to that section, similar to the proviso to the clause (*ii*) of sub-section (2) of section 18 of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954.

Memorandum regarding delegated legislation.

The amendment to section 15 of the Act proposed in clause 2 empowers the State Government to prescribe the number of instalments not exceeding ten in which the amount payable under the bonds may be paid.

The proposed delegation of legislative power is of a normal character.

M. V. KRISHNAPPA.

G. S. VENKATARAMANA IYER,
Secretary,

Reg. No. B.G. 202.

THE MYSORE GAZETTE

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-A

BANGALORE, MONDAY, JUNE 29, 1964
(ASHADHA 8, SAKA ERA 1886).

No. 170

NOTIFICATION

No. 4870 L. A., Bangalore—1, dated 27th June 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the City of Bangalore Municipal Corporation (Amendment) Bill, 1964, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE CITY OF BANGALORE MUNICIPAL CORPORATION (AMENDMENT) BILL, 1964.

A Bill further to amend the City of Bangalore Municipal Corporation Act, 1949.

WHEREAS it is expedient further to amend the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949);

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the City of Bangalore Municipal Corporation (Amendment) Act, 1964.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Omission of references to alderman and aldermen.—In the City of Bangalore Municipal Corporation Act, 1949, (Mysore Act 69 of 1949) (hereinafter referred to as the principal Act), the words "alderman", "aldermen", "an alderman", "and aldermen", "or alderman", "or aldermen", "or an alderman", wherever they occur shall be omitted.

3. Amendment of section 5.—In section 5 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) (*a*) The Corporation shall consist of such number of councillors as the Government may by notification under section 48 determine, all of whom shall be elected.

(*b*) Seats shall be reserved in the Corporation for the Scheduled Castes, and the number of seats so reserved shall bear as nearly as may be the same

proportion to the total number of seats in the Corporation as the population of the Scheduled Castes in the City bears to the total population in the City :

Provided that the reservation for the Scheduled Castes shall cease to have effect after the period specified in Article 334 of the Constitution :

Provided further that the preceding proviso shall not affect any representation in the Corporation until the expiry of the term of office of the councillors then in office.

Explanation.—For purposes of this clause 'population' means the population as ascertained at the last preceding census."

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

"(1A) Nothing contained in sub-section (1) shall be deemed to prevent the members of the Scheduled Castes for whom seats have been reserved in the Corporation from standing for election to the non-reserved seats in the Corporation."

(3) in sub-section (2), the words, brackets and letters "clauses (a), (b) and (c) of" shall be omitted.

4. Substitution of new section for section 48.—For section 48 of the principal Act, the following section shall be substituted, namely :—

"48. **Determination of number Councillors, divisions, etc.**—(1) Subject to the provisions of sub-section (2), the Government may by notification determine,—

(*a*) the number of elected councillors of the Corporation ;

(*b*) the divisions into which the city shall be divided for the purpose of election to the Corporation, and the extent of each division ;

(*c*) the number of seats which may be one or two, alloted to each division;

(*d*) the number of seats reserved for Scheduled Castes, and the divisions in which such seats shall be reserved.

(2) The ratio between the number of councillors to be elected from each division and the population of that division as ascertained at the last preceding census shall, so far as practicable, be the same throughout the city."

5. **Omission of sections 49 and 51.**—Sections 49 and 51 of the principal Act shall be omitted.

6. **Amendment of section 55.**—In sub-section (1) of section 55 of the principal Act,—

(1) in clause (a), the words "fifty general"and"fifty' shall be omitted,

(2) in clause (b),—

(i) in the main clause, the words "or women" shall be omitted;

(ii) in sub-clause (i), for the words "such class or a woman, as the case may be", the words "such caste" shall be substituted;

(iii) in sub-clause (ii), the words "or her" and "fifty" shall be omitted.

(3) clauses (c) and (d) shall be omitted.

7. **Amendment of section 56.**—In section 56 of the principal Act,—

(1) in sub-section (1), the words "or for election as an alderman " shall be omitted;

(2) in sub-section (2), in the first paragraph, the words "or for election as an alderman" shall be omitted;

(3) sub-section (4), shall be omitted.

8. **Amendment of section 57.**—In sub-section (1) of section 57 of the principal Act, clause (g) shall be omitted.

9. **Amendment of section 58.**—In section 58 of the principal Act,—

(1) in sub-section (1), the words "or elected as an alderman" shall be omitted ;

(2) in sub-sections (2) and (3), the words " or elected an alderman " shall be omitted.

10. **Amendment of section 59.**—In section 59 of the principal Act,

(1) in sub-section, (1)

(*a*) for the words " Whenever it is alleged" the words and figures " Save where the election may be questioned by an election petition under section 68, whenever it is alleged " shall be substituted ;

(*b*) the words " or elected as an alderman " shall be omitted ;

(*c*) the words and figures " section 56 or" shall be omitted ;

(*d*) after the word and figures " section 58 ", the words " or any other provision of this Act or other law " shall be inserted.

(*e*) for the words " District Judge, Bangalore Division ", the words " District Judge, City of Bangalore " shall be substituted.

(2) in sub-section (2),

(*a*) the words and figures " section 56 or" shall be omitted.

(*b*) after the word and figures " section 58 " the words " or any other provision of this Act or other law" shall be inserted.

11. (tions 64 and 65.—Sections 64 and 65 of the principal Act shall be omitted.

12. Substitution of new section for section 66.—For section 66 of the principal Act, the following section shall be substituted, namely :—

"**66. Prohibition of simultaneous membership.**—(1) If a person is elected for more than one seat, he shall within three days from the date of the last of such elections, by notice in writing signed by him and delivered to the Commissioner intimate the seat from which he chooses to serve, and the choice shall be final.

(2) If the candidate does not make the choice referred to in sub-section (1), the Commissioner shall determine by lot and notify the seat from which such candidate shall serve.

(3) The said person shall be deemed to have been elected only for the seat so chosen or notified, as the case may be, and the vacancies thereby arising in respect of the other seat or seats shall be filled by fresh election."

13. Amendment of section 67.—In section 67 of the principal Act, for the words "the mayor, deputy mayor and aldermen" the words "the mayor and deputy mayor" shall be substituted.

14. Substitution of new sections for sections 68, 69 and 70.—For sections 68, 69 and 70, of the principal Act, the following sections shall be substituted, namely :—

"**68. Election petition.**—(1) No election of a councillor shall be called in question except by an election petition presented for adjudication to the Court of the District Judge, City of Bangalore, whithin fifteen days from the date of the publication of the result of the election under section 67.

(2) An election petition calling in question any such election may be presented on one or more of the grounds specified in section 69A,

(*a*) by any candidate at such election ; or

(*b*) by any voter of the division concerned.

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition—

(*a*) shall contain a concise statement of the material facts on which the petitioner relies ;

(*b*) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice ; and

(*c*) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings :

Provided that where the petitioner alleges any corrupt practice. the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

Any schedule or annexure to the petition shall also be signed by the petitoner and verified in the same manner as the petition.

69. Relief that may be claimed by the petitioner.— A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidates has been duly elected.

69A. Grounds for declaring elections to be void.—Subject to the provisions of sub-section (2), if the Court is of opinion—

(*a*) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen as a councillor under this Act, or

(*b*) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, or

(*c*) that any nomination has been improperly rejected, or

(*d*) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination ; or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent or

(iii) by the improper reception refusal or rejection of any vote or the reception of any vote which is void; or

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder,

the Court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the Court, a returned candidate has been guilty by on agent, other than his election agent, of any corrupt practice, but the Court is satisfied—

(*a*) that no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders and without the consent of the candidate or his election agent ;

(*b*) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election ; and

(*c*) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

then the Court may decide that the election of the returned candidate is not void.

69B. Procedure to be followed by the Court.—The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed by the Court as far as it can be made applicable, in the trial and disposal of an election petition under this Act.

69C. Decision of the Court.—(1) At the conclusion of the trial of an election petition, the Court shall make an order —

(*a*) dismissing the election petition ; or

(*b*) declaring the election of all or any of the returned candidates to be void ; or

(*c*) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(2) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Court is of opinion—

(*a*) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(*b*) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes,

the Court shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

69D. Procedure in case of an equality of votes.—If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candi-

dates to be declared elected, then, the Court shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

69E. Appeal.—An appeal shall lie to the High Court from an order of the Court of the District Judge under section 69C within a period of thirty days from the date of the order of the Court excluding the time requisite for obtaining a copy of the order :

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

69F. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act, namely :

(1) 'bribery' as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 43 of 1951) for the time being in force.

(2) 'undue influence' as defined in clause (2) of the said section for the time being in force ;

(3) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate ;

(4) the promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate ;

(5) the publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(6) the hiring or procuring whether on payment or otherwise of any vehicle by a candidate or his agent or by any other person with the consent of a candidate or his election agent for the conveyance of any voter (other than the candidate himself and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle by an elector or by several electors at their joint cost for the purpose of conveying him or them to and from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle so hired is a vehicle not propelled by mechanical power:

Provided further that the use of any public transport vehicle or any railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise;

(7) the holding of any meeting in which intoxicating liquors are served;

(8) the obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or

his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government or the service of the Corporation;

(9) any other practice which the Government may by rules specify to be a corrupt practice.

Explanation.—(*a*) In this section, the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(*b*) For the purposes of clause (8), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent, or a polling agent or a counting agent of that candidate.

69G. Promoting enmity between classes in connection with election.—Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

69H. Prohibition of public meetings on the day preceding the election day and on the election day.—(1) No person shall convene, hold or attend any public meeting within any division within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that division.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

69I. Disturbances at election meetings.—(1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the

purpose of preventing the transaction of the business for which the meeting was called together, shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting in connection with municipal elections held in any division between the date of the issue of a notification fixing the date of the poll to elect a councillor or councillors and the date on which the election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

69J. **Restrictions on the printing of pamphlets, posters, etc.**—(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate.

(3) For the purposes of this section,—

(*a*) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly ; and

(*b*) 'election pamphlet or poster' means any printed pamphlet, hand-bill or other document distributed for the purposes of promoting or

prejudicing the election of a candidate or group of candidates under this Act or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall, on conviction be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

69K. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election under this Act shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall on conviction be punished with imprisonment for a term which may extend to three months or with fine or with both.

69L. Officers, etc., at elections not to act for cadidates or to influence voting.—(1) No person who is a returing officer, or an assistant returning officer or a presiding or polling officer at an election under this Act or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with such election shall in the conduct or management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid and no member of a police force, shall endeavour—

(*a*) to persuade any person to give his vote at an election; or

(*b*) to dissuade any person from giving his vote at an election; or

(*c*) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine, or with both.

69M. Prohibition of canvassing in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely :—

(*a*) canvassing for votes; or

(*b*) soliciting the vote of any voter; or

(*c*) persuading any voter not to vote for any particular candidate; or

(*d*) persuading any voter not to vote at the election; or

(*e*) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

69N. Penalty for disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud-speaker ; or

(*b*) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers, and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1), shall on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

69O. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station, misconducts himself or fails to obey the lawful directions of the presiding officer, may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station, re-enters the polling station without the permission of the presiding officer, he shall, on conviction be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

69P. Penalty for illegal hiring or procuring of conveyances at elections.—If any person is guilty of any such corrupt practice as is specified in clause (6) of section 69F at or in connection with an election he shall on conviction be punished with fine which may extend to two hundred and fifty rupees.

69Q. Breaches of official duty in connection with elections.—(1) If any person to whom this section applies, is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punishedwith fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officer, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act in connection with such election.

69R. Removal of ballot papers from polling station to be an offence.—(1) Any person who at any election fraudulently takes or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

69S. Other offences and penalties therefor.—(1) A person shall be guilty of an electoral offence if at any election, he—

(*a*) fraudulently defaces or fraudulently destroys any nomination paper ; or

(*b*) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer ; or

(*c*) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or

(*d*) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(*e*) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(*f*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(*g*) fraudulently or without due authority as the case may be attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall—

(*a*) if he is the returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both;

(*b*) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

69T Proseution regarding certain Offences.—No court shall take cognizance of any offence under section 69L or under section 69Q or under clause (a) of sub-section (2) of this section unless there is a complaint made by order of, or under authority from, such officer as may be prescribed by rules.

69U. Power to make rules regulating the election of councillors.—(1) The Government may make rules to provide for or regulate all or any of the following matters for the purpose of holding elections of councillors under this Act, namely :—

(*a*) the appointment of a returning officer, assistant returning officers, presiding officers and polling officers for the conduct of elections ;

(*b*) the nomination of candidates, form of nomination papers, objections to nominations and scrutiny of nominations ,

(*c*) the deposits to be made by candidates, time and manner of making such deposits and the circumstances under which such deposits may be refunded to candidates or forfeited to the municipal corporation;

(*d*) the withdrawal of candidatures;

(*e*) the appointment of agents of candidates;

(*f*) the procedure in contested and uncontested elections and the special procedure at elections in divisions where any seat is reserved for the Scheduled Castes;

(*g*) the date, time and place for poll and other matters relating to the conduct of elections including—

(*i*) the appointment of polling stations for each division,

(*ii*) the hours during which the polling station shall be kept open for the casting of votes,

(*iii*) the printing and issue of ballot papers,

(*iv*) the checking of votes by reference to the electoral roll,

(*v*) the marking with indelible ink of the left fore-finger or any other finger or limb of the voter and prohibition of the delivery of any ballot paper to any person if at the time such person applies for such paper he has already such mark so as to prevent personation of voters,

(*vi*) the manner in which votes are to be given and in particular in the case of illiterate voters or of voters under physical or other disability,

(*vii*) procedure to be followed in respect of challenged votes and tendered votes,

(*viii*) the scrutiny of votes, counting of votes, the declaration and publication of the results and the procedure in case of equality of votes or in the event of a councillor being elected to represent more than one division,

(*ix*) the custody and disposal of papers relating to elections,

(*x*) the suspension of poll in case of any interruption by riot, violence or any other sufficient cause and the holding of a fresh poll,

(*xi*) the holding of a fresh poll in the case of destruction of or tampering with ballot boxes before the count,

(*xii*) the countermanding of the poll in the case of the death of a candidate before the poll ;

(*h*) the fee to be paid on an election petition ;

(*i*) any other matter relating to elections or election disputes in respect of which the Government deems it necessary to make rules under this section.

(2) In making any rule under this section the Government may provide that any contravention thereof shall, on conviction, be punished with fine which may extend to one hundred rupees.

69V. Bar of suits relating to elections, etc.—No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment or removal of councillors, the Mayor or Deputy Mayor, unless such suit is authorised by the provisions of this Act or any rule made under this Act.

69W. Power to make rules regarding election of Mayor and Deputy Mayor. –(1) The election of the Mayor or the Deputy Mayor and the determination of disputes relating to such election and the filling up of vacancies in the said offices shall be in accordance with such rules as may be prescribed.

(2) Any dispute relating to the validity of the election of the Mayor or the Deputy Mayor shall be decided by by the Court of the District Judge, City of Bangalore, and an appeal shall lie to the High Court from an order of the Court of the District Judge within a periodof thirty days from the date of such order :

Provided that the High Court may entertain an appeal after the expiry of the said period of tnirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

69X. Offences entailing disqualification.—(1) The following offences shall entail disqualification for being a councillor, namely :—

(*a*) offences punishable with imprisonment under section 171E or section 171F of the Indian Penal Code (Central Act 45 of 1860), and

(*b*) offences punishable under section 69G or section 69R or clause (*a*) of sub-section (2) of section 69S of this Act.

(2) The period of such disqualification shall be six years from the date of the conviction for the offence.

69Y. Corrupt practices entailing disqualification.—The corrupt practices specified in section 69F shall entail disqu-

alification for being a councillor for a period of six years counting from the date on which the finding of the Court as to such practice takes effect under this Act.

69Z. Disqualification arising out of conviction and corrupt practice.—If any person —

(*a*) is convicted of an offence punishable with imprisonment under section 171E or section 171F of the Indian Penal Code (Act 45 of 1860) or an offence punishable under section 69G or section 69R or clause (a) of sub-section (2) of section 69S of this Act ; or

(*b*) is upon the trial of an election petition under this Act found guilty of any corrupt practice,

he shall for a period of six years from the date of conviction or from the date or which such finding takes effect be disqualified for voting at an election.

70. Removal of disqualifications.—The Government may for reasons to be recorded in writing remove any disqualification under sections 69X, 69Y or 69Z or reduce the period of any such disqualification.

70A. Disqualification for being an election agent.—Any person who is for the time being disqualified under section 69X, 69Y or 69Z for being a councillor or for voting at elections, shall, so long as the disqualification subsists, also be disqualified for being an election agent at an election."

15. **Amendment of section 99.**—In section 99 of the principal Act,—

(1) in sub-section (1), the second sentence and the proviso shall be omitted ;

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Save as otherwise provided in this Act, the property tax shall be levied,—

(*a*) in the case of buildings at such percentages, not being less than ten per cent and not

more than twenty per cent of the annual value of such buildings as may be fixed by the Corporation :

Provided that the percentage to fixed may be different for different classes of buildings.

(*b*) in the case of any land at 0.4 per cent of the market value of the land :

Provided that the tax levied on any such land shall not be less than rupees ten per annum.

Explanation.—For purposes of this section, 'building' includes any land appurtenant to such building used as garden and grounds for the more beneficial enjoyment of such building, not exceeding thrice the area occupied by such building."

(3) in sub-section (3) for the words "or land", in the two places where they occur, the words "or the market value of the land, as the case may be" shall be substituted.

16. **Amendment of section 100.**—In section 100 of the principal Act,—

(1) in sub-section (2),—

(i) for the words "lands and buildings", the word "buildings" shall be substituted ;

(ii) the words "in the case of buildings only" shall be omitted ;

(iii) the second proviso to the sub-section shall be omitted ;

(2) after sub-section (2), the following sub-section shall be added, namely :—

"(3) The market value of lands shall be determined in accordance with the estimated value at the time of assessment of such lands in the area in which such lands are situate."

17. **Amendment of section 101.**—In section 101 of the principal Act,—

(1) in clause (k), the words "or land" in the two places where they occur and the words "and lands" shall be omitted ;

(2) after clause (k), the following clausesh shall be inserted, namely :—

(l) buildings and lands belonging to the City of Bangalore Improvement Trust Board not leased by the said Board to any person'

"(m) agricultural land actually used for growing crops."

18. **Omission of section 102.**—Section 102 of the principal Act shall be omitted.

19. **Amendment of section 366.**—In clause (b) of section 366 of the principal Act, for the words "six weeks", the words "thirty days" shall be substituted.

20. **Insertion of new section 434D.**—After section 434C of the principal Act, the following section shall be inserted, namely :—

"**434D. Special provisions as to rural areas.**—Notwithstanding anything contained in the foregoing provisions of this Act,—

(*a*) the Corporation with the previous approval of the Government may, by notification in the official Gazette,—

(i) exempt the rural areas or any portion thereof from such of the provisions of this Act as it deems fit ;

(ii) levy taxes, rates, fees and other charges in the rural areas or any portion thereof at rates lower than those at which such taxes, rates, fees and other charges are levied in the urban areas or exempt such areas or portion from any such tax, rate, fee or other charge ;

(*b*) the Corporation with the previous approval o the Government may, by notification in the official

Gazette, declare that any portion of the rural areas shall cease to be included therein and upon the issue of such notification, that portion shall be included in and form part of the urban area.

Explanation.—In this section—

(i) "rural areas" means, the areas of the City of Bangalore which immediately before the first day of April 1964 were situated within the local limits of any Panchayat established under the Mysore Village Panchayats and Local Boards Act, 1959, but shall not include such portion thereof as may by virtue of a notification under clause (b) of this section cease to be included in the rural areas as herein defined;

(ii) "urban areas" means, the areas of the City of Bangalore which are not rural areas."

21. Amendment of Schedule III.—In Schedule III to the principal Act,—

(1) in rule 4,

(i) for the words "lands and buildings" the words "buildings and the market value of all lands" shall be substituted;

(ii) in clause (v), for the words "or the extent", the words "or the market value" shall be substituted;

(2) in rule 10, after the words "annual value", the words "or market value" shall be inserted;

(3) rule 41, shall be omitted.

22 Savings.—The amendments made by sections 2 to 13 in the principal Act shall not affect the constitution of the Corporation of the City of Bangalore until the expiry of the term of office of the Councillors and aldermen in office on the date of commencement of this Act, and the principal Act as amended by this Act in so far as such amendments relate to elections to the Corporation shall be applicable for

purposes of elections for the reconstitution of the Corporation with effect from the 1st day of January, 1965.

23. Removal of difficulties.—If any difficulty arises in giving effect to the amendments made by this Act in the principal Act, the State Government may, by general or special order published in the official Gazette, make such provisions as appear to it to be necessary or expedient for removing the difficulty, and every such order shall have effect as if enacted in this Act.

Statement of Objects and Reasons

With a view to have uniformity in reservation of seats for Scheduled Castes and Scheduled Tribes as in the Corporations in other States, amendment to section 5 of the City of Bangalore Municipal Corporation Act, 1949, is proposed. Provisions for reservations for women, labour, trade and commerce and election of aldermen are proposed to be deleted.

With the increase in population of the City of Bangalore, and with the inclusion of the adjoining areas within the Corporation limits, it is necessary to fix the number of Councillors to be elected from the different divisions of the City. The number of Councillors and divisions fixed by the Act has to be amended so as to enable the Government to fix the number of divisions and Councillors to be elected from time to time with a view to give proper representation to the ratepayers in all the areas. Hence it is proposed to amend section 48 of the Act.

In respect of elections, it is proposed to have provisions on the lines of the provisions in the Representation of the People Act, 1951.

It is also proposed to levy property tax on vacant lands on the basis of the market value of such lands, instead of on the basis of the area of such lands.

Hence this Bill.

Memorandum regarding Delegated Legislation

Clause 15.—(*i*) Under clause (9) of the new section 69F proposed to be substituted by this clause, the State Government is empowered to make rules specifying the provisions other than those specified in that section would be corrupt practice.

(*ii*) Under the new section 69U proposed to be substituted by this clause, the State Government is empowered to provide for or regulate matters relating to holding of election of Councillors under the Act.

(*iii*) Under the new section 69W proposed to be substituted under this clause, the State Government is empowered to make rules regarding matters connected with election of the Mayor and Deputy Mayor.

(*iv*) Under the new section 70 proposed to be substituted by this clause, the State Government is empowered to remove any disqualifications under sections 69X, 69Y or 69Z or to reduce the period of any such disqualification.

Clause 22.—This clause empowers the State Government to make provisions for removal of any difficulty arising in giving effect to the amendments proposed by this Bill to the principal Act.

The delegation of legislative power provided for in the Bill is necessary for the implementation of the Act and is of a normal character.

K. PUTTASWAMY

G. S. VENKATARAMANA IYER,
Secretary,

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PART IV—2-A

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No. 183

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 5073/L.A., Bangalore-1, dated 8th July 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Mysore Labour Welfare Fund Bill, 1964,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE LABOUR WELFARE FUND BILL, 1964.

A Bill to provide for the constitution of a Fund for financing and conducting activities to promote welfare of labour in the State of Mysore.

WHEREAS it is expedient to constitute a Fund for financing and conducting activities to promote welfare of labour in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Labour Welfare Fund Act, 1964.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint and different dates may be appointed for different areas of the State.

2. Definitions.—In this Act, unless the context otherwise requires—

(1) "Board" means the Mysore Labour Welfare Board constituted under section 4 ;

(2) "employee" means any person who is employed for wages to do any work, skilled or unskilled, manual or clerical, in an establishment ;

(3) "employer" means any person who employs either directly or through another person either on behalf of himself or any other person, one or more employees in an establishment and includes —

(i) in a factory, any person named under section 7(i)(f) of the Factories Act, 1948, as the Manager ;

(ii) in any establishment, any person responsible to the owner for the supervision and control of the employees or for the payment of wages ;

(4) "establishment" means—

(i) a factory;

(ii) motor omnibus service;

(iii) any establishment including a society registered or deemed to be registered under the Mysore Societies Registration Act, 1960, and a charitable or other trust, whether registered under any law applicable to such charitable or other trust or not, which carries on any business or trade or any work in connection with or ancillary thereto and which employs or on any working day during the preceding twelve months employed more than fifty persons,

but does not include an establishment (not being a factory) of the Central or any State Government; and

(iv) any plantation or workshops;

(5) "factory" means a factory as defined in section 2(*u*) of the Factories Act, 1948;

(6) "Fund" means the Mysore Labour Welfare Fund constituted under section 3;

(7) "Independent member" means a member of the Board who is not connected with the management of any establishment or who is not an employee, and includes an officer of Government nominated as a member;

(8) "Inspector" means an Inspector appointed under section 13;

(9) "prescribed" means prescribed by rules made under this Act;

(10) "unpaid accumulations" means all payments due to the employee but not made to them within a period of three years from the date on which they became due whether before or after the commencement of this Act including the wages, and gratuity legally payable but not including the amount of contribution, if any, paid by an employer to a provident fund establishment under the Employees' Provident Funds Act, 1952;

(11) "wages" means all remuneration capable of being expressed in terms of money which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include,—

(*a*) the value of —

(i) any house accommodation, supply of light, water, medical attendance ; or

(ii) any other amenity or any service excluded by general or special order of the State Government ;

(*b*) any contribution paid by the employer to any pension fund or provident fund or under any scheme of social insurance ;

(*c*) any travelling allowance or the value of any travelling concession ;

(*d*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment ; or

(*e*) any gratuity payable on discharge.

(12) "Welfare Commissioner" means the Welfare Commissioner appointed under section 12.

3. **Welfare Fund.**—(1) The State Government shall constitute a fund called the Labour Welfare Fund, and, notwithstanding anything contained in any other law for the time being in force or in any contract or instrument, all unpaid accumulations shall be paid to the Board, which shall keep a separate account therefor until claims thereto have been decided in the manner provided in section 7, and the other sums specified in sub-section (2) shall be paid into the Fund.

(2) The Fund shall consist of—

(*a*) all fines realised from the employees ;

(*b*) all unpaid accumulations transferred to the Fund under section 7 ;

(*c*) any voluntary donations;

(*d*) any fund transferred under sub-section (5) of section 8; and

(*e*) any sum borrowed under section 9.

(3) The sums specified in sub-section (2) shall be collected by such agencies and in such manner and the accounts of the Fund shall be maintained and audited in such manner as may be prescribed.

4. Board.—(1) The State Government shall, by notification in the official Gazette, constitute the Board for the whole of the State of Mysore for the purpose of administering the Fund, and to carry on such other functions assigned to the Board by or under this Act.

(2) The Board shall consist of the following members nominated by the State Government, namely —

(*a*) representatives of employers and employees;

(*b*) independent members, representing women; and

(*c*) other independent members.

The number of members of each category shall be such as may be prescribed:

Provided that both employers and employees shall have equal representation on the Board.

(3) The members of the Board shall elect one of its independent members as the Chairman of the Board.

(4) Save as otherwise expressly provided by this Act, the term of office of the members of the Board shall be three years commencing on the date on which their names are notified in the official Gazette.

(5) The allowances, if any, payable to the members of the Board and the conditions of appointment of the representatives of the employers and employees shall be such as may be prescribed.

(6) The Board shall be a body corporate by the name of the Mysore Labour Welfare Board, having perpetual succession and a common seal, with power subject to the provision of this Act, or the rules made thereunder to

acquire, hold and dispose of property, both moveable and immoveable, and to contract, and may, by the said name sue and be sued.

5. Disqualifications and removal.—(1) No person shall be chosen as, or continue to be a member of the Board who—

(*a*) is a salaried official of the Board; or

(*b*) is or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors; or

(*c*) is found to be a lunatic or becomes of unsound mind; or

(*d*) is or has been convicted of any offence involving moral turpitude.

(2) The State Government may remove from office any member who—

(*a*) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

(*b*) is absent without leave of the Board for more than three consecutive meetings of the Board.

6. Resignation of office by member and filling up of casual vacancies.—(1) A member may resign his office by giving notice thereof in writing to the State Government, and on such resignation being accepted, shall be deemed to have vacated his office.

(2) A casual vacancy in the office of a member shall be filled up, as soon as conveniently may be, by the authority concerned and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

(3) No act or proceedings of the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in constitution of the Board.

7. Unpaid accumulations and claims thereto.—(1) All unpaid accumulations shall be deemed to be abandoned property.

(2) Any unpaid accumulations paid to the Board in accordance with the provisions of section 8 shall, on such payment, discharge an employer of the liability to make payment to an employee in respect thereof, but to the extent only of the amount paid to the Board; and the liability to make payment to the employee to the extent aforesaid shall, subject to the succeeding provisions of this section be deemed to be transferred to the Board.

(3) As soon as possible after the payment of any unpaid accumulations is made to the Board, the Board shall by notice (containing such particulars as may be prescribed)—

(*a*) exhibited on the notice-board of the factory or establishment in which the unpaid accumulation was earned, and

(*b*) published in the official Gazette, and

(*c*) also published in any two newspapers circulating in the area in which the factory or establishment in which the unpaid accumulation was earned is situate, or in such other manner as may be prescribed, regard being had to the amount of the claim,

invite claims by employees for any payment due to them. The notice shall be inserted in the manner aforesaid in June and December of every year, for a period of three years from the date of the payment of the unpaid accumulation to the Board.

(4) If any question arises whether the notice referred to in sub-section (3) was given as required by that sub-section, a certificate of the Board that it was so given, shall be conclusive.

(5) If a claim is received whether in answer to the notices or otherwise, within a period of four years from the date of first publication of the notice in respect of such claim, the Board shall transfer such claim to the Authority appointed under section 15 of the Payment of Wages Act, 1936, having jurisdiction in the area in which the factory or establishment is situated, and the Authority shall proceed to adjudicate upon, and decide, such claim. In hearing such claim, the Authority shall have the powers

conferred by, and follow the procedure (in so far as it is applicable) followed in giving effect to the provisions of that Act.

(6) If the Authority aforesaid is satisfied that any such claim is valid so that the right to receive payment is established it shall decide that the unpaid accumulation in relation to which the claim is made shall cease to be deemed to be abandoned property, and shall order the Board to pay the whole of the dues claimed, or such part thereof as the Authority decides are properly due, to the employee; and the Board shall make payment accordingly :

Provided that, the Board shall not be liable to pay any sum in excess of that paid under sub-section (1) of section 3 to the Board as unpaid accumulations, in respect of the claim.

(7) If a claim for payment is refused, the employee shall have a right of appeal to the District Court, having jurisdiction over the area and the Board shall comply with any order made in appeal. An appeal shall lie within sixty days of the decision of the Authority.

(8) The decision of the Authority, subject to appeal aforesaid, and the decision in appeal of the District Court, shall be final as to the right to receive payment, the liability of the Board to pay and also as to the amount, if any.

(9) If no claim is made within the time specified in sub-section (5), or a claim has been duly refused as aforesaid by the Authority, or by the Court on appeal, then the unpaid accumulations in respect of such claim, shall accrue to, and vest in, the State as bona vacantia, and shall thereafter, without further assurance be deemed to be transferred to, and form part of, the Fund.

8. Vesting and application of Fund.—(1) The Fund shall vest in and be held and applied by the Board as Trustees subject to the provisions and for the purpose of this Act. The moneys therein shall be utilised by the Board to defray the cost of carrying out measures which may be

specified by the State Government from time to time to promote the welfare of labour and of their dependents.

(2) Without prejudice to the generality of sub-section (1) the moneys in the Fund may be utilised by the Board to defray expenditure on the following :—

(*a*) community and social education centres including reading rooms and libraries ;

(*b*) community necessities ;

(*c*) games and sports ;

(*d*) excursions, tours and holiday homes ;

(*e*) entertainment and other forms of recreation ;

(*f*) home industries and subsidiary occupations for women and unemployed persons ;

(*g*) corporate activities of a social nature ;

(*h*) cost of administering the Act including the salaries and allowances of the staff appointed for the purposes of the Act ; and

(*i*) such other objects as would in the opinion of the State Government improve the standard of the living and ameliorate the social conditions of labour :

Provided that the Fund shall not be utilised in financing any measure which the employer is required under any law for the time being in force to carry out :

Provided further that unpaid accumulations and fines shall be paid to the Board and be expended by it under this Act notwithstanding anything contained in the Payment of Wages Act, 1936, or any other law for the time being in force.

(3) The Board may, with the approval of the State Government, make a grant out of the Fund to any employer, any local authority or any other body in aid of any activity for the welfare of labour approved by the State Government.

(4) If any question arises whether any particular expenditure is or is not debitable to the Fund, the matter

shall be referred to the State Government and the decision given by the State Government shall be final.

(5) It shall be lawful for the Board to continue any activity financed from the Labour Welfare Fund of any establishment, if the said fund is duly transferred to the Board.

9. Power of Board to borrow.—The Board may from time to time with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be specified in this behalf borrow any sum required for the purposes of this Act.

10. Investment of Fund.—Where the Fund or any portion thereof cannot be applied at an early date for fulfilling the objects of the Act, the Board shall invest the same in any of the securities specified in clauses (*a*) to (*d*) and (*f*) of section 20 of the Indian Trusts Act, 1882.

11. Direction by State Government to Board.—The State Government may give the Board such directions as in its opinion are necessary or expedient in connection with the expenditure from the Fund or for carrying out the other purposes of the Act. It shall be the duty of the Board to comply with such directions.

12. Appointments and powers of Welfare Commissioner.—(1) The Welfare Commissioner shall be appointed by the Board with previous approval of the State Government.

(2) The Welfare Commissioner shall be the principal executive officer of the Board.

(3) It shall be the duty of the Welfare Commissioner to ensure that the provisions of this Act and rules made thereunder are duly carried out and for this purpose he shall have the power to issue such orders not inconsistent with the provisions of this Act and rules made thereunder as he deems fit including any order implementing the decisions taken by the Board under the Act or rules made thereunder.

13. Appointment of Inspectors.—(1) The State Government may appoint Inspectors to inspect the records in connection with the sums payable into the Fund.

(2) Any Inspector may—

(*a*) with such assistance, as he thinks fit, enter at any reasonable time any premises for carrying out the purposes of this Act;

(*b*) exercise such other powers as may be prescribed.

14. Appointment of clerical and other staff by Board.—The Board shall have power to appoint the necessary clerical and executive staff to carry out and supervise the activities financed from the Fund:

Provided that the expenses of the staff thus appointed and other administrative expenses shall not exceed a prescribed percentage of the annual income of the Fund.

15. Power of State Government to remove any person on staff of Board.—The State Government shall have the power to remove any person whom it may deem unsuitable from service of the Board.

16. Power of State Government or authorised officer to call for records, etc.—The State Government or any officer authorised by the State Government may call for the records of the Board, inspect the same and may supervise the working of the Board.

17. Mode of recovery of sums payable into Fund, etc.—Any sum payable into the Fund under this Act shall, without prejudice to any other mode of recovery, be recoverable on behalf of the Board as arrears of land revenue.

18. Supersession of Board.—(1) If the State Government is satisfied that the Board has made default in performing any duties imposed on it by or under this Act or has abused its power, the State Government may by

notification in the official Gazette supersede and re-constitute the Board in the prescribed manner :

Provided that before issuing the notification under this sub-section, the State Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall considor the explanations and objection, if any, of the Board.

(2) After the supersession of the Board, and until it is reconstituted the powers, duties and functions of the Board under this Act shall be exercised or performed by such officer or officers, as the State Government may appoint for this purpose.

19. Rules.—(1) The State Government may by notification in the official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the agency for and the manner of collection of sums specified in sub-section (3) of section 3, and the period within which the same shall be paid to the credit of the Fund ;

(*b*) the manner in which the accounts of the Fund shall be maintained and audited under sub-section (3) of section 3 ;

(*c*) the procedure for making grants from the Fund under section 7 ;

(*d*) the procedure for defraying the expenditure incurred in administering the Fund ;

(*e*) the number of representatives of employers and employees, independent members and representatives of women on the Board, and the allowances, if any, payable to them, under section 4;

(*f*) the manner in which the Board shall conduct their business ;

(*g*) the duties and powers of the Inspectors and the conditions of service of the Welfare Commissioner and Inspectors and other staff appointed under this Act;

(*h*) the delegation of the powers and functions of the Board to the Welfare Commissioner and the conditions and the limitations subject to which the powers may be exercised or functions discharged;

(*i*) the percentage of the annual income of the Fund beyond which the Board may not spend on the staff and on other administrative measures;

(*j*) the registers and records to be maintained under this Act;

(*k*) the publication of the report of the activities financed from the Fund together with a statement of receipts and expenditure of the Fund and statement of accounts;

(*l*) the condition subject to which the Board may dispose of immoveable and moveable property or enter into contract;

(*m*) any other matter which may be prescribed under this Act.

(3) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under section 23, every rule made under this Act shall have effect as if enacted in this Act.

20. Members of Board, Welfare Commissioner, Inspectors and all officers and servants of Board to be public servants.—The members of the Board, the Welfare Commissioner, Inspectors and all officers and servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

21. Protection to persons acting in good faith.—No suit, prosecution or other legal proceedings shall lie against the Board or any person for anything which is in good faith done or intended to be done under this Act.

22. Exemption.—The State Government may by notification in the official Gazette, exempt any class of establishments from all or any of the provisions of this Act subject to such conditions as may be specified in the notification.

23. Rules and notifications to be laid before State Legislature.—Every rule made under this Act, and every notification issued under section 22 shall be laid, as soon as may be after it is made, or issued before each House of the State Legistature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or notification or both houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect as the case may be; so however that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

24. Transfer of Government Labour Welfare Centres to the Board.—(1) The control and management of State Government Labour Welfare Centres shall as from such date as the State Government may by notification in the official Gazette appoint, be transferred to the Board, and thereupon all the properties and assets, and liabilities and obligations, of the State Government in relation to such centres shall stand transferred to, vest in, or devolve upon, the Board.

(2) Every employee of the State Government who was employed by the State Government wholly or mainly in or in connection with any of the said Centres immediately

before the date appointed under sub-section (1) shall, as from the said date, become an employee of the Board, and shall hold his office under the Board on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same if the transfer of the said centre had not been effected and shall continue to do so unless and until his employment under the Board is terminated or until his remuneration, terms and conditions of service are duly altered by the Board :

Provided that the remuneration, terms or conditions of service of any such employee shall not be varied to his disadvantage except with the previous approval of the State Government.

25. Amendment of section 8 of Central Act 4 of 1936.— In section 8 of the Payment of Wages Act, 1936 (Central Act 4 of 1936), to sub-section (8) the following shall be added before the Explanation, namely :—

"but in the case of any factory or establishment to which the Mysore Labour Welfare Fund Act, 1964, applies all such realisations shall be paid into the Fund constituted under the said Act".

26. Repeal and savings.—(1) From the date of coming into force of this Act in the Bombay Area,

(*a*) the Bombay Labour Welfare Fund Act, 1953 (Bombay Act 40 of 1953), as in force in the Bombay Area shall stand repealed ;

(*b*) all properties, fund and dues which are vested in or realisable by the new Board as defined in the Bombay Labour Welfare Board (Reconstitution) Order, 1959, made by the Central Government under the Inter-State Corporations Act, 1957 (Central Act 85 of 1957), shall vest in, and be realisable by the Board constituted under this Act ,

(*c*) all liabilities which were enforceable against the said new Board shall be enforceable against the Board constituted under this Act; and

(*d*) all employees serving in connection with the affairs of the said new Board shall become employees of the Board constituted under this Act.

(2) Subject to the provisions of sub-section (1), the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable in respect of the repeal of the Bombay Labour Welfare Fund Act, 1953 and sections 8 and 24 of the said Mysore General Clauses Act, 1899, shall be applicable as if the said Bombay Labour Welfare Fund Act, 1953, had been repealed and re-enacted by this Act.

Statement of Objects and Reasons.

The Bombay Labour Welfare Fund Act, 1953, which provides for the constitution of fund for the financing of activities to promote welfare of labour, is in force in the Bombay Area of the State. It is considered desirable to have a uniform law in the whole State for the purpose. Hence the Bill. The Board proposed to be established under this Bill will take over the Labour Welfare Centres now under the control of the Government. The Board will promote the welfare of labour and of their dependents, and in particular incur expenditure in respect of the matters specified in clause 8(2).

Financial Memorandum.

Clause 3 (1) of the Bill provides for the constitution of the fund from items mentioned in sub-clause (2) of clause 3 of the Bill. Clause 3 (2) of the Bill mentions the items on which expenditure has to be incurred. It is estimated that a sum of Rs. 1·70 lakhs in all would be required to run the Labour Welfare Centres, and the Labour Welfare Board, after the Board comes into existence. Out of the total expenditure of Rs. 1·70 lakhs, an amount of Rs. 1·47 lakhs corresponds to recurring expenditure and another sum of Rs. 0·23 lakh relates to non-recurring expenditure. After deducting the expenditure on the existing Labour Welfare Centres, the net extra cost will be about Rs. 1·02 lakhs. It is expected that the Board may become self-supporting in a few years. The fine amounts remaining with the managements will also be got transferred to the Fund.

Memorandum regarding delegated legislation.

Clause 3.—Under sub-clause (3) of this clause, the State Government has been empowered to make rules prescribing the agencies by which the sums relating to the Labour Welfare Fund shall be collected and the manner in which the accounts of the Fund shall be maintained and audited.

Clause 4.—This clause empowers the State Government to prescribe the number of members of the different categories to be appointed on the Mysore Labour Welfare Board, the allowances payable to the members, and the conditions of appointment of the representatives of the employers and employees of the Board.

Clause 7.—Under sub-clause (3) of this clause, the State Government is empowered to prescribe the particulars to be specified in the notice issued thereunder as also the manner in which such notice may be published.

Clause 13.—Uuder sub-clause 2 (b) of this clause, the State Government bas the power to prescribe the additional powers which an Inspector may exercise.

Clause 18.—Sub-clause (1) of this clause empowers the State Government to prescribe the manner in which it may reconstitute the Board.

Clause 19.—This clause empowers the State Government to make rules to carry out the purposes of the Act. The various matters in respect of which rules may be made are specified in sub-clause (2) of the clause. The rules made under the Bill have to be laid before both Houses of the State Legislature and are subject to modifications by the Legislature.

The delegation of legislative powers provided for in this Bill is necessary for the implementation of the provisions thereof and is of a normal character.

D. DEVARAJ URS.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-A

BANGALORE, FRIDAY, JULY 10, 1964
(ASHADHA 19, SAKA ERA 1886).

No. 184

MYSORE LEGISLATIVE ASSEMBLY.

NOTIFICATION.

No. 5055—L.A., Bangalore-1, dated 9th July 1964.

Under Rule 64 of the Rules of Procedure an Conduct of Business in the Mysore Legislative Assembly the Speaker has been pleased to order the publication in th *Mysore Gazette* of the **Mysore Appropriation (No. 4) Bill, 1964** together with the Statement of Objects and Reason relating thereto, and the Bill and the Statement o Objects and Reasons are accordingly published for genera information.

THE MYSORE APPROPRIATION (No. 4) BILL, 1964.

to provide for the authorisation of appropriation of moneys out of he Consolidated Fund of the State to meet the amounts spent on ertain services during the financial year 1959-60 in excess of the mounts granted for those services and for that year.

HEREAS it is expedient to provide for the authorisation of priation of moneys out of the Consolidated Fund of the State et the amounts spent on certain services during the financial 1959-60, in excess of the amounts granted for those services r that year ;

E it enacted by the Mysore State Legislature in the Fifteenth f the Republic of India as follows :—

Short title.—This Act may be called the Mysore Appropria- No. 4) Act, 1964.

Issue of Rupees 2,56,39,604 out of the Consolidated Fund State to meet certain excess expenditure for the financial 959-60.—From and out of the Consolidated Fund of the State, as specified in column 3 of the Schedule amounting in the ate to the sum of two crores, fifty-six lakhs, thirty-nine nd, six hundred and four rupees shall be deemed to have been ised to be paid and applied to meet the amounts spent for ng the charges in respect of the services specified in column e Schedule during the financial year 1959-60 in excess of the ts granted for those services and for that year.

Appropriation.—The sums deemed to have been authorised aid and applied from and out of the Consolidated Fund of the nder this Act shall be deemed to have been appropriated for vices and purposes expressed in the Schedule in relation to ncial year 1959-60.

THE SCHEDULE

[See *sections 2 and 3*]

1	2		3	
No. of Demand	Services and Purposes		Sums not exceeding	
			Voted by the Legislative Assembly	Charged on the Consolidated Fund
			Rs.	Rs.
	A. EXPENDITURE MET FROM REVENUE.			
2	7	Land Revenue ...		1,330
4	9	Stamps ...	40,807	
7A	12-A	Sales Tax ...	...	5,574
8	13	Other Taxes and Duties ...	11,27,641	
10	18	Other Revenue Expenditure Financed from Ordinary Revenues ...	6,81,014	
...	22	Interest on Debt and Other Obligations ...	...	19,10,629
17	29	Police ...	4,94,934	...
29	50	Civil Works ...	16,52,916	...
33	51-A	Territorial and Political Pensions...		2,11,882
35	55	Superannuation Allowances and Pensions. ...		39,78,047
36	55-A	Commutation of Pensions Financed from Ordinary Revenues ...		7,10,921
38	57	Miscellaneous ...		59,243
		...	39,97,342	62,77,626
	B. WORKING EXPENSES.			
42	XVII.	I. N. E. and D. Works (Commercial) ..	4,36,231	
44	XLVI-A	Receipts from Road and Water Transport Schemes ...	9,04,838	..
		Total 'B' ...	13,41,069	...
	C. CAPITAL OUTLAY NOT MET FROM REVENUE.			
48	70	Capital outlay on Improvement of Public Health ...	49,391	
52	81-A.	Capital Outlay on Electricity Schemes	1,32,63,255	
55	83	Payments to Commuted Value of Pensions ...	...	7,10,921
		Total 'C' ...	1,33,12,646	7,10,921
		GRAND TOTAL.		

Statement of Objects and Reasons.

'his Bill is introduced in pursuance of the provisions of Article of the Constitution of India read with Article 205 thereof to e for the authorisation of appropriation of moneys out of the lidated Fund of the State to meet the amounts spent on certain es during the financial year 1959-60 in excess of the amounts d for those services and for that year.

B. D. JATTI,

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

by the Director of Printing, Stationery and Publications at the Govt. Press, Bangalore.

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PART IV—2-A

BANGALORE, FRIDAY, JULY 10, 1964
(ASHADHA 19, SAKA ERA 1886).

No. 185

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION

No. 5084—L. A., Bangalore-1, dated 9th July 1964.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the **Mysore Appropriation (No. 3) Bill, 1964,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE APPROPRIATION (No. 3) BILL, 1964.

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1964-65 ;

BE it enacted by the Mysore State Legislature in the Fifteenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Appropriation (No. 3) Act, 1964.

2. Issue of rupees 3,67,14,270 out of the Consolidated Fund of the State for the financial year 1964-65.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three crores, sixty-seven lakhs fourteen thousand, two hundred and seventy rupees towards defraying the several charges which will come in course of payment during the financial year 1964-65 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE.

(*See* sections 2 and 3)

No. of Demand			Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2		3		
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
10	19	General Administration ..	1,500	4,85,000	4,86,500
19	30	Public Health	48,000	...	48,000
20	31	Agriculture	32,50,000	34,800	32,84,800
23	34	Co-operation	1,87,500	...	1,87,500
26	38	Labour and Employment ...	1,26,200		1,26,200
27	39	Miscellaneous, Social and Developmental Orgns.	30,000		30,000
31	50	Public Works ...	4,97,000		4,97,000
38	70	Forest ...	10,00,000	...	10,03,000
		...	51,40,200	5,19,800	56,60,000
		C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.			
44	96	Capital Outlay on Industrial Development	12,02,500		
46	100	Capital Outlay on I.N.E. and D. Works (Non-Commercial)	40,00,000	...	40,00,000
48	103	Capital Outlay on Public Works ...	...	1,770	1,770
		Total C ...	52,02,500	1,770	52,04,270
		E. DISBURSEMENT OF ADVANCES AND LOANS			
54	Q.	Loans and Advances by State and Union Territory Government ...	2,58,50,000	...	2,58,50,000
		Grand Total ...	3,61,92,700	5,21,570	3,67,14,270

Statement of Objects and Reasons

This Bill is introduced in pursuance of the provisions of Article 204 (1) read with Article 205 of the Constitution of India to provide for the appropriation out of the Consolidated Fund of the State of moneys required towards defraying the several further charges which will come in course of payment during the financial year ending on 31st March 1965.

B. D. JATTI.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

Printed by the Director of Printing, Stationery and Publications at the Govt. Press, Bangalore.